

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3976 OF 2018

Bharat Shivji Udeshi.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. Subhash Jha, Ms. Sanjana Pardeshi I/b Law Global Advocates for the Petitioner.

Mr. K. V. Saste, APP for the Respondent-State.

Mr. P. K. Dhakephalkar, Senior Advocate with Ishwar Nankani, Huzefa Khokhawala, Ms. Janaki Gorde I/b M/s. Nankani & Associates for Respondent No. 3.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **September 11, 2018.**

P. C. :

1. Heard the learned counsel for the respective parties.

The petition is filed for the following reliefs :

"a) that this Hon'ble Court upon perusal of the order dated 3.9.2018, rendered in Notice of Motion No.1616 of 2018 in Suit No.976 of 2018 – Ravindra R. Shetty vs. Shiv Sneha Associates & Ors. as well and more particularly observations made in para 10 of the said order which inter alia directs that a copy of the order shall be produced before the Sessions Court, Mumbai which would certainly influence and/or impact the decision of the learned Additional Sessions Judge, Mumbai in Anticipatory Bail Application Nos. 935 of 2018 and 966 of 2018, the observations made by the Ld. Single Judge, Mumbai be directed to hear the anticipatory bail applications without being influenced in any manner whatsoever with the orders passed by a Ld. Single Judge of this Hon'ble Court in the aforesaid civil proceedings between the Petitioner and the Respondent No. 3.

c) In the alternative, but without prejudice to prayer clause (b) above, during pendency of the petition, this Hon'ble Court may be pleased to stay all further proceeding concerning Anticipatory Bail Application Nos. 935 of 2018 and 966 of 2018, filed by the Petitioner and his brother Shri Mahendra Shivji Udeshi, a practicing advocate of this Hon'ble Court."

2. In short, the Petitioner is assailing the order dated 3rd September 2018 passed by learned Single Judge of this Court in Notice of Motion No. 1616 of 2018 taken out in Suit No. 976 of 2018, and particularly paragraph 10 of the said order in which learned Single Judge has observed that copy of this order be placed before the Sessions Court.

3. The order dated 3rd September 2018 is passed in civil proceedings. If the Petitioner is aggrieved by the said order, his remedy is to file intra-court appeal or approach the higher Court. Certainly, in exercise of jurisdiction of this Court under Article 226 of the Constitution of India, this Court cannot interfere with the said order. In that view of the matter, writ petition is dismissed.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]