

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.127 OF 2019
IN
WRIT PETITION NO.721 OF 2019**

Chandralekha Vivek Aranha and Anr.

...Applicant

vs.

The State of Maharashtra and Anr.

...Respondents

Mr.Nilesh C. Ojha a/w Ms. Mansi Jain and Mr. Ganesh Shelke i/b
Mr.Jayeshkumar Gupta for the Applicant/Petitioner.
Mrs.Sangeeta Shinde, APP for the Respondent/State.
Mr. Niranjana Mundargi i/b Ms. Prasanna Bhangale for the Respondent
No.2.

**CORAM : B. P. DHARMADHIKARI &
MRS. REVATI MOHITE DERE, JJ.
DATE : 16/08/2019.
(In Chamber at 2.45 p.m.)**

P.C.:

. After hearing respective counsel on 2/8/2019 we have passed a reasoned but a small order. Accordingly, Respondent No.1 State has placed on record affidavit of Assistant Commissioner of Police, Lashkar Division, Pune City. Paragraph No.3 therein shows that third party mentioned in paragraph No.6 of Court's order dated 21/2/2019 has claimed that he has not paid any consideration to applicants either by cheque or cash. Said third party by name Mitesh Naresh Bhayani has submitted that he has not signed any stamp paper and there is no agreement.

2. In view of this disclosure it appears that when the foundation of order dated 21/2/2019 does not stand, the writ petition therefore needs

to be reheard on merits.

3. Accordingly, we recall the order dated 21/2/2019 and place the Writ Petition No.721/2019 for admission before the appropriate Bench as per roster assigned.

4. Needless to mention that the affidavit submitted today by State shall also be placed on record of that writ petition.

5. In view of this statement made, learned counsel for the applicant requests the Court to initiate suitable contempt proceedings against the Investigating Officer of respondent No.1.

6. We keep that contention open and it can be looked into while considering Writ Petition No.721/2019 for admission.

7. Accordingly, Application No.127/2019 is allowed and disposed of.

(MRS. REVATI MOHITE DERE, J.)

(B. P. DHARMADHIKARI, J.)