

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2729 OF 2019

Monica Rajesh Patil @
Monica Dilip Badhe : Petitioner.
Versus
State of Maharashtra and anr. : Respondents.

Ms. Ashma Shaikh for the Petitioner.
Mr. A R Patil, APP for the Respondent/State.
Mr. Sanjay P Shinde for Respondent No.2.

CORAM : S. S. SHINDE, J
DATE : 11th September 2019

P.C.

1 This Petition takes exception to the order dated 16/02/2019 passed by the Additional Sessions Judge, Kalyan below Exhibit 4 in Appeal No.42 of 2016 thereby staying the judgment and order in D V M A No.337 of 2012 dated 30/08/2016 passed by the learned Judicial Magistrate First Class, Ulhasnagar.

2 The learned counsel appearing for the Petitioner submits that without assigning any single reason, the Appellate Court has stayed the order passed by the learned Magistrate. She invites attention of this Court to the impugned order and submits that the impugned order deserves to be set aside and the contesting Respondent may be directed to comply with the directions

issued by the learned Magistrate.

3 On the other hand, the learned counsel appearing for the contesting Respondent submits that since the contesting Respondent did comply with the directions issued by the learned Magistrate, the Appellate Court has stayed the order passed by the learned Magistrate till final decision of the Appeal. He, therefore, submits that this Court may not entertain this Petition since the Appellate Court is seized with the hearing of the Appeal filed by the contesting Respondent.

4 Upon appreciation of the rival contentions and perusal of the grounds taken in the Petition, annexures thereto and the reasons assigned by the Appellate Court in the impugned order, the impugned order passed by the Appellate Court deserves to be quashed and set aside for the simple reason that while staying the order passed by the learned Magistrate, the Appellate Court has not assigned any single reason why the Appellate Court is staying the said order of the learned Magistrate except observing that the Appeal will take some time for final decision. By any standard, the said reason given by the Appellate Court in the impugned order cannot be appreciated. In that view of the matter, the impugned order dated 16/02/2019 passed by the learned Additional Sessions Judge, Kalyan below Exhibit 4 in Appeal No.42 of 2016 is quashed and set aside. Till disposal of the said Appeal, the order passed by the

learned Magistrate shall remain in force. The Additional Sessions Judge, Kalyan is directed to decide the said Appeal as expeditiously as possible however within a period of eight weeks from today. Needless to observe that both the parties shall extend full cooperation in early decision of the said Appeal. With the above observations, the Writ Petition stands rejected.

[S. S. SHINDE , J]