

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

CRIMINAL APPLICATION NO. 826 OF 2018

WITH

CRIMINAL APPLICATION NO. 826 OF 2018

Rajiv Deepak Mata

...Applicant

Versus

The State of Maharashtra

...Respondents

Mr. Adwait Bhonde for Applicant.

Mr. Varun Shah i/b. Mr. B.D. Shinde for Respondent No. 2.

Mr. N.B. Patil, APP for Respondent – State.

CORAM : S.S. SHINDE, J.

DATE : 5th SEPTEMBER 2019

P.C.:

1. Heard learned counsel appearing for the Applicant and learned APP appearing for Respondent-State.

2. Perused the order passed below Exhibit-1 in M.A. No. 1808/2018. It appears that, the application filed by the present applicant referred herein above was not decided by the Judicial Magistrate First Class, Court No. 3, Pune on merits. It appears that, merely because Criminal Revision Application No. 407/2018 and 408/2018 was pending before the Sessions Court, Pune, the said Court of Magistrate declined to consider the application filed by the Applicant on merits.

3. Learned counsel appearing for the Applicant submits that, Criminal Revision Application No. 407/2018 and 408/2018 is now decided

finally.

4. Keeping in view the fact that, the Criminal Revision Application No. 407/2018 and 408/2018 is decided by the Sessions Court, Pune, and the Magistrate has not decided the application filed by the Applicant on merits, the ends of justice would be met in case the M.A. No. 1808/2018 is restored to its original file and the Judicial Magistrate First Class, Court No. 3, Pune is directed to decide the said application within four weeks from receipt of this order. Accordingly, impugned order dated 5th July 2018 passed by Judicial Magistrate First Class, Court No. 3, Pune is quashed and set aside. Miscellaneous Application No. 1808/2018 is restored to its original file. Judicial Magistrate First Class, Pune, to decide the application on merits as expeditiously as possible, however, within four weeks from receipt of this order. With the above observations, Application stands disposed of.

5. The contentions raised on merits in this Application are kept open to be agitated before the concerned Court.

6. Parties to act upon an authenticated copy of this order.

(S.S. SHINDE, J.)