

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

WRIT PETITION NO. 4249 OF 2019

Shri Ashrafilal K. Malik

...Petitioner

Versus

Smt.Zubeda Ashrafi Malik

...Respondent

Mr.Girish B.Badiger for the Petitioner.

CORAM : S. S. SHINDE, J
DATE : 28 August 2019

P.C.

1. This petition takes an exception to the order dated 04.07.2019 passed by the learned Additional Sessions Judge, Pune below exhibit 07 in Criminal Appeal No. 265 of 2019.

2. Learned Counsel appearing for the petitioner submits that the petitioner is disputing assertion of the respondent that she is legally wedded wife of the petitioner. He further submits that there is no relationship between the petitioner and respondent. He further submits that if the petitioner continues to deposit the amount as ordered by the learned Magistrate, and if the petitioner succeeds in appeal, the said amount cannot be recovered from the respondent and, therefore, this petition deserves consideration.

3. Since substantive appeal filed by the petitioner is pending before the Sessions Court, Pune, this Court do not think it appropriate to entertain this petition when the petitioner will have liberty to contest the issues raised in the appeal. It is also informed that appeal filed by the respondent is also pending before the Sessions Court, Pune.

4. In that view of the matter, this Court is not inclined to entertain this petition. However, it would be in the interest of both the parties, if respective appeal filed by the petitioner and respondent shall be decided by the Sessions Court, Pune at the earliest. The Sessions Court, Pune shall make endeavour to hear and dispose of both the appeals as expeditiously as possible, however, within a period of 12 weeks from toady.

5. With the above observations, writ petition stands rejected. It is made clear that all the contentions on merits raised in this petition are kept open for being agitated before the Appellate Court.

[S. S. SHINDE , J]