

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

**CRIMINAL WRIT PETITION NO. 4357 OF 2019**

Raju Shivram Sagale

...Petitioner

***Versus***

The State of Maharashtra and Ors.

...Respondents

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Mr. Lalasaheb Bandal for Petitioner.

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

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**CORAM : S.S. SHINDE, J.**

**DATE : 30<sup>th</sup> AUGUST 2019**

**P.C.:**

1. This Court is not inclined to interfere with the impugned order. However, since the Petitioner is complainant, one more opportunity needs to be given to him to file a fresh application praying therein for recording his evidence before the Judicial Magistrate First Class, Manmad (City Court), who has passed the impugned order on 25.10.2018. To facilitate the Petitioner to file such application before Judicial Magistrate First Class, Manmad (City Court), praying therein to record his evidence, further pending proceedings in RCC No. 35/1995 shall remain stayed for four weeks from today. However, it is made clear that, in case the Petitioner files an application before the

said Court, the said Court shall decide said application on its own merits and after giving opportunity to other side to put forth their contentions. This order is passed without prejudice to the contentions of contesting respondents.

2. With the above observations, writ petition stands rejected.
3. Parties to act upon an authenticated copy of this order.

**(S.S. SHINDE, J.)**