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

***CRIMINAL I.A NO.1 OF 2020
IN
CRIMINAL APPLICATION NO.663 OF 2019***

Sanjay Ajitkumar Patel ..Applicant
Versus
The State of Maharashtra and Anr. ...Respondents

Mr. Aabad Ponda, Senior Counsel a/w Mr. Chandan Mukherji and Ms. Ekta, for the Applicant.

Mr. R. M. Pethe, A.P.P. for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 26th JUNE, 2020

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant has sought the following substantive prayer:-

“10 a) Direct the Learned Additional Sessions Judge dealing with SC No.481/2015 and Miscellaneous Application numbered at Exhibit 22 dated 06/03/2019 filed by the Applicant herein for Return of Property, to forthwith pass Orders on the said

application, which is reserved for Orders, without being influenced by the Order of Stay passed by this Hon'ble High Court in WP/663/2019 dated 02/12/2019, which does not pertain to the said application of the Applicant.”

3. Learned Senior Counsel for the applicant submits that the applicant is a witness in the said case i.e. Sessions Case No.481 of 2015. He submits that the trial has been stayed only *qua* accused – Muskan @ Deepali Kishor Singh and that the entire trial has not been stayed. He submits that despite the stay been granted only *qua* accused – Muskan @ Deepali Kishor Singh, the learned trial Judge is refusing to decide the application filed by the applicant and others.

4. Perused the papers in particular the order dated 2nd December, 2019, passed by this Court (Coram : Sarang V. Kotwal, J.) in Criminal Application No.663 of 2019. This Court in the said application has granted interim relief in terms of prayer clause (c) i.e. the trial Court proceedings have been stayed only in respect of the applicant therein i.e. Muskan @ Deepali Kishor Singh.

5. The said fact is not disputed by the learned APP.

6. Considering the aforesaid, there is no impediment for the trial Court to decide the application filed by the applicant – Sanjay Ajitkumar Patel or any other application, inasmuch as, the stay has been granted only to the proceedings *qua accused* - Muskan @ Deepali Kishor Singh.

7. The Application is allowed in the aforesaid terms and is disposed of accordingly.

8. All concerned to act on the copy of this order, digitally signed by the Private Secretary of this Court.

REVATI MOHITE DERE, J.