

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

933 CRIMINAL WRIT PETITION NO.1174 OF 2021

**SHRIMANT FAKIRA WAGHMARE
VERSUS
ASHRUBA MADHAV WAGHMARE AND OTHERS**

Mr.V.D. Salunke, Advocate for the petitioner.

**CORAM : N.R.BORKAR, J.
DATED : 28.10.2021**

PC :-

01. This petition challenges an order dated 28.09.2021 passed by the learned Additional Sessions Judge, Beed, below Exh.4 in Criminal Revision Application No.55 of 2021. The petitioner herein had filed an application under section 145 of the Cr.P.C. before the Executive Magistrate. The learned Executive Magistrate allowed the said application.

02. Being aggrieved the respondent Nos.1 and 2 herein had filed Revision Petition. The respondent Nos.1 and 2 had filed an application at Exh.4 to stay the order of the learned Executive Magistrate. The learned Additional Sessions Judge had allowed the application at Exh.4 by the order impugned. The Revisional Court has held that the suit between the parties is pending and thus, the learned Executive Magistrate ought not to have

entertained the application under section 145 of the Cr.P.C. The submission is, there is no bar to entertain the application under section 145 of the Cr.P.C., even if civil suit is pending. It is submitted that respondent Nos.1 and 2, who are the defendants in the civil suit are not allowing the Civil Court to decide the application for temporary injunction at Exh.5, which is pending for more than three years.

03. However, considering the fact that Revision Petition is still pending, I am not inclined to interfere with the interim order. Instead, the Revisional Court can be directed to decide the Criminal Revision Application itself, within stipulated time. Therefore, following order is passed :-

O R D E R

- i. The petition is dismissed.
- ii. Learned Additional Sessions Judge, Beed shall endeavour to decide Criminal Revision Application No.55 of 2021 within a period of two months from today.

[N.R.BORKAR, J.]