

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

CRIMINAL WRIT PETITION NO.2 OF 2020

Babasaheb s/o Manik Dhengale ... **PETITIONER**

VERSUS

Yash Multistate Rural Co-operative
Credit Society Ltd. & anr. ... **RESPONDENTS**

.....
Mr. N.B. Narwade, Advocate for petitioner
Mr. A.C. Darandale, Advocate for respondent No.1.
Mr. S.P. Sonpawale, A.P.P. for respondent No.2 - State
.....

CORAM : R. G. AVACHAT, J.

DATE : 26th FEBRUARY, 2022.

PER COURT :

Heard. The challenge in this petition is to the order refusing to grant stay to the proceedings of S.C.C. No.4134/2016, pending on the file of Chief Judicial Magistrate, Ahmednagar. The application for stay (Exh.4) moved in a revision application preferred against the order of issuance of process in S.C.C. No.4134/2016 came to be rejected by the learned Additional Sessions Judge, with direction to the parties to expedite hearing on delay condonation application.

2. It has been brought to the notice of this Court that, the roznama of S.C.C.No.4134/2016, dated 18/11/2016

indicates the learned Magistrate to have issued process, necessarily after taking cognizance of the offence. The petitioner herein, an accused in the very case, has placed on record a certified copy of the complaint in the said matter. It is found therefrom that, no order of issuance of process had been passed until a certified copy thereof was issued in his favour in August 2019. It has also been brought to the notice of this Court that, all of a sudden, the order regarding issuance of process is shown to have been appearing at the bottom of the last page of the complaint. In view of the same, the parties are hereby directed to appear before the learned Additional Sessions Judge in the concerned proceedings and make submissions on the delay condonation application on or before 20th March 2022.

3. Till the decision of the application for condonation of delay, there shall be ad-interim relief in terms of prayer on application Exh.4.

4. Criminal Writ Petition is disposed of.

(R. G. AVACHAT)
JUDGE

fmp/-