

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

CRIMINAL WRIT PETITION NO.957 OF 2021

SULTANBEE W/O. BUDHAN QURESHI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

....
Mr. K.B. Jadhav, Advocate for the Petitioners
Mr. R.D. Sanap, APP for respondent No.1/State
Mr. S.V. Dixit, Advocate for Respondent No.2
....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 07 SEPTEMBER 2022

PER COURT:-

. Mr. K.B. Jadhav, learned counsel for the petitioners, Mr. Sanap, learned APP for respondent No.1/State and Mr. S.V. Dixit, learned counsel for respondent No.2 are present.

2. Mr. Dixit, learned counsel for respondent No.2 raises a preliminary objection about the maintainability of this writ petition. He pointed out that the order of framing of charge passed by the Judicial Magistrate, First Class is challenged by way of writ petition. He submitted that an efficacious legal remedy is available to the petitioner by filing a criminal revision application before the Sessions Court. No need to invoke writ jurisdiction.

3. Mr. Sanap, learned APP for respondent No.1/State made a similar submission.

4. Mr. K.B. Jadhav, learned counsel for the petitioner seeks leave to withdraw this petition with liberty to file criminal revision application before the Sessions Court at Jalna.

5. Having regard to the submissions made by the learned counsel for the respective sides and the learned APP for respondent No.1/State, the criminal writ petition is disposed of as withdrawn with liberty to the petitioner to file criminal revision application before the appropriate Sessions Court as permissible under Section 397 of the Code of Criminal Procedure.

6. Mr. K.B. Jadhav, learned counsel for the petitioners seeks extension of interim relief granted by this Court. Mr. Dixit, learned counsel for respondent No.2 strongly opposed to continue the interim relief. He submitted that the interim relief was granted by this court by taking in to consideration the possibility of amicable settlement between the parties. He submitted that now there is no need to grant further extension since the petition is disposed of.

7. In the interest of justice, interim relief to continue for a period of two weeks from today.

8. It is made clear that interim relief is continued by way of interim arrangement and not on merits.

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane