

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

**CRIMINAL APPLICATION NO. 3053 OF 2022
IN
CRIMINAL REVISION APPLICATION NO. 243 OF 2022**

Vijay @ Vijaykumar Santukrao Bondge .. Applicant

Versus

The State of Maharashtra
Through Police Sub Inspector .. Respondent

Mr. Chaitanya C. Deshpande, Advocate for the Applicant.
Mrs. G. L. Deshpande, APP for Respondent.

CORAM : KISHORE C. SANT, J.

DATED : 19th SEPTEMBER, 2022.

P C. :-

1. Heard the learned advocate for the applicant and the learned APP for the State.

2. The present application is filed seeking stay to the judgment and order dated 16.08.2022 passed by the learned Additional Sessions Judge -1, Nanded in Criminal Appeal No. 48/2019 only to the extent of clause No. 5 which reads as under :

“5. A Certified Copy of this Judgment & Order be sent to the Office of Sub Registrar, Nanded under Section 89A and to the District Collector, Nanded of the Registration Act, 1908, for taking note and entry in the record of rights and Index-II Register that the registered Sale Deed bearing No. 1772/1991

dated 22/11/1991 is null & void ab initio and no right, title or interest shall be transferred thereunder to anyone.”

3. The learned advocate states that the learned Additional Sessions Court could not have passed an order directing the revenue authorities or the District Collector or any other authority for taking note of the judgment in the record of rights and Index-II maintained by the Registrar. He states that this is clearly beyond the jurisdiction of the criminal Court. It is true that no criminal Court can pass any order affecting the civil rights of the parties and unless specifically provided by the law.

4. The learned APP could not point out any law so as to show that under which power or the authority, the learned Additional Sessions Judge has passed this order.

5. It is therefore, a fit case to grant stay to the clause No. 5 of the judgment and order passed by the learned Additional Sessions Judge - 1, Nanded dated 16.08.2022 passed in Criminal Appeal No. 48/2019.

6. The application is disposed of.

7. Parties to act upon authenticate copy of this order.

(KISHORE C. SANT, J.)

P.S.B.