

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD  
CRIMINAL APPLICATION NO. 4096 OF 2022  
IN WP/1719/2022**

Sunil Mohanlalji Rathi

.. Applicant

Versus

Jayashree Sanjay Khatke and others

.. Respondents

Mr. Girish K. Naik Thigle, Advocate for the Applicant.

Mr. Y. G. Gujarathi, APP for Respondents/State.

**CORAM : KISHORE C. SANT, J.**

**DATED : 08<sup>th</sup> DECEMBER, 2022.**

**P. C. :-**

1. This application is in orders category as the report of service of notice is not received. However, learned advocate for the applicant submits that he has served the respondents and he has filed service affidavit on record across the bar. He further submits that the respondents have already filed a revision against the order impugned in the Criminal Writ Petition No. 1719/2022 that is order passed by the Tahsildar dated 28.11.2022. This application is mainly filed for modification of order raising the issue that the order was passed ex-parte and certain observations are made which are not in consonance with the record and certain facts were not brought to notice of this Court by the petitioner in that petition.

2. Now, in view of the fact of filing of revision and pending before the learned Additional Sessions Judge, Jalna wherein next date of

hearing is 13.12.2022 for considering stay application, no purpose would be served by entertaining the application now. Only anxiety of the applicant is that the Revisional Court may be influenced by the observations, though prima facie made in the order while disposing of Criminal Writ Petition No. 1719/2022.

3. It is needless to say that, the observations were made only prima facie and without hearing other side.

4. Needless to state that, the Revisional Court to apply its mind independently without being influenced by any of the observations made/recorded in the order passed in the Criminal Writ Petition No. 1719/2022.

5. The order was passed in the writ petition only to facilitate the petitioner in that petition to approach the learned Sessions Court and the purpose would be served immediately on passing of the order on the stay application.

6. The parties to press reliefs before the learned Sessions Court and the learned Sessions Judge to decide the proceedings at the earliest considering the urgency in the matter.

7. With this, the application stands disposed of.

**( KISHORE C. SANT, J. )**

P.S.B.