

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 584 OF 2022

Akbar Ali Shaikh ...Petitioner
Versus
The State Of Maharashtra And Ors. ...Respondents

....

Mr. Diwakar Singh a/w Ms. Kajal Singh, Advocate for the Petitioner.

Mr. Akshay Bankapur, Rashmi More i/by Ergo Juris, Advocate for the
Respondent Nos.2 to 8.

Mr. S.R. Agarkar, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.
DATE : 14th SEPTEMBER, 2022.

PER COURT:

1. The petitioner is the original complainant. The petitioner moved an application before the Court of learned Metropolitan Magistrate, 44th Court, Andheri, Mumbai. The learned Magistrate vide order dated 15th January, 2022 passed an order under Section 156(3) of Cr.P.C. The said order was challenged by Respondent before the Court of Sessions by preferring Revision Application No.32 of 2022. The Sessions Court granted stay on 18th January, 2022 to the order passed by the learned Magistrate, directing investigation under Section 156(3) of Cr.P.C.

2. The petitioner had preferred miscellaneous application for vacating stay. The said application was rejected by order dated 1st January, 2022.

3. Aggrieved by the order rejecting the application for vacating stay the petitioner has approached this Court. Learned counsel for the petitioner submit that the questions of law are involved in this proceedings. Learned Sessions Judge ought not to have granted stay to the proceedings. The revision application which was filed before the Sessions Court was not maintainable under the law. The revision application is pending before Sessions Court since January 2022.

4. Learned Counsel for the Respondent submitted that the revision is pending before Sessions Court. The reply is not filed by the Respondents in the said revision application. The revision application has been adjourned by consent to 10th November, 2022.

5. Since the revision application is pending before the Sessions Court, directions can be given to Sessions Court to decide the revision application expeditiously. It is brought to my notice that the proceedings before the Sessions Court were adjourned by consent to 10th November, 2022 for reply. It is understood that reply, if any, shall be filed on or before 10th November, 2022. The learned Sessions Judge is requested to decide the revision application on 10th November, 2022 or withing three weeks from 10th November, 2022. All the contentions raised by the petitioner as well as respondents are kept open.

6. Both sides shall co-operate with the Sessions Court in expeditious disposal of revision application.

7. It is clarified that this Court has not adjudicated the merits of the case.

8. Petition is disposed off.

(PRAKASH D. NAIK, J.)