

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1130 OF 2022
IN
WRIT PETITION NO.1541 OF 2020

Sheetal Devang Shah ... Applicant
Vs.
Union of India and others ... Respondents

Mr. Saurabh Ghag i/b. Rajeev Sawant & Associates for Applicant.
Ms. Sheetal D. Shah, Applicant in person.
Ms. S. D. Shinde, Additional Public Prosecutor for Respondents-State.
Mr. D. P. Singh for Respondent No.1-UI.

**CORAM : S. S. SHINDE &
REVATI MOHITE DERE, JJ.**
DATE : APRIL 08, 2022

P.C. :

. Rajeev Sawant and Associates have filed their *Vakalatnama* only in the aforesaid interim application and not in the main Petition. Before the hearing of the interim application commenced, Mr. Saurabh Ghag, learned counsel instructed by the said firm, sought leave to withdraw the *Vakalatnama*. Leave granted. The petitioner, who appears in person, informs that she will be arguing both, the Interim Application as well as the Petition.

2. Heard the applicant who appears in person and Ms. Shinde, learned Additional Public Prosecutor in the aforesaid interim application.

3. By this interim application, the applicant seeks the following substantive reliefs:-

4. Prayer clause (A) reads as under:

“A) The Hon’ble Chief Justice of the Bombay High Court to head the Hon’ble Bench of Hon’ble Justice Shri S. S. Shinde and Hon’ble Justice Smt. Revati Mohite Dere from the 8th of April 2022 for the Criminal Writ Petition No.1541 of 2020 to be commenced to be heard expeditiously in the Hon’ble Court of the Hon’ble Chief Justice of the Bombay High Court. The order dated 31st of March 2022 in the matter of Criminal Writ Petition No.1541 of 2020 be set aside / vacated to ensure that the amended Petition is commenced to be heard before the Hon’ble Bench headed by the Hon’ble Chief Justice in accordance with the Supreme Court orders.”

4.1. The applicant, who appears in person, does not press the aforesaid prayer clause (A) and hence, no order is required to be passed on the said prayer.

5. Prayer clause (B) reads as under:

“B) The Hon’ble Chief Justice of the Bombay High Court pass the orders for the Sheriff to expeditiously execute pending Family Court Distress Warrant and Warrant orders within 4 days time. The Pending Family Court Distress Warrant Orders and Warrant Order be issued by the Prothonotary and Senior Master as the Family Court Registrar and Family Court execution staff / Bailiff have been unable to execute orders.”

5.1. It is not in dispute that the proceedings before the Family Court filed by the applicant, have been dismissed for non-prosecution and that the application filed by the applicant, seeking restoration of the said proceedings is pending before the learned Judge, Family Court, Mumbai. In this view of the matter, the question of directing execution of the distress warrant orders does not arise. Hence, prayer clause (B) cannot be granted.

6. Prayer clause (C) reads as under:

“C) All cases of Mrs. Sheetal Shah are to be heard after the Amended Supreme Court Criminal Writ Petition No.175 of 2020 which has been granted the Bombay High Court Criminal Writ Petition No.1541 of 2020 is completely heard and disposed off.”

6.1. Prayer clause (C) is vague. The same is difficult to comprehend and hence rejected.

7. Prayer clause (D) reads as under:

“D) The Registrar General is to ensure the compliance of the Expedited Supreme Court orders by taking the list of all cases from Mrs. Sheetal Shah and to issue a Writ for all cases to be expeditiously transferred to the Hon’ble Bombay High Court to be prepared for hearings after the Criminal Writ Petition No.1541 of 2020 is completely heard and disposed off.”

7.1. No details of the case have been spelt out nor has a list of the cases been given by the applicant and hence the said prayer being vague, is also rejected.

8. Application is disposed of.

(REVATI MOHITE DERE, J.)

(S. S. SHINDE, J.)

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