

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO. 358 OF 2021
Sakhubai Uttamrao Zote..Versus... Sttae of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. A.M.Tirukh, Advocate, Advocate for Petitioner
Ms. Shamsi Haider, APP for Respondent Nos. 1 and 2/State
Mr. Mahesh Rai, Advocate for respondent No.3 .

CORAM : AVINASH G. GHAROTE, J.

DATE : 07/03/2022

Heard Mr. Tirukh, learned counsel for the
petitioner and Mr. Rai, learned counsel for respondent No.3.

2] The matter relates to the question of possession in respect of agricultural field, which was jointly purchased by the petitioner and Respondent No.3, each claiming exclusive possession to the same, which led to filing of the proceedings under Section 145 of Cr.P.C., in which by an order dated 9.9.2020, passed under Section 145(1) of Cr.P.C., the learned SDO, had prima facie opined that petitioner was in possession. The proceedings thereafter culminated by the order dated 25.9.2020, in which the learned SDO held that he was unable to decide as to who was in possession and by virtue of the powers conferred under Section 146(1) of Cr.P.C. attached the property, resultant to which neither the petitioner nor Respondent No. 3 since the date of the said

order is in cultivating possession. This order has been challenged in revision by the petitioner before the learned Sessions Court, where an application for grant of stay has been rejected by the impugned order dated 6.4.2021.

3] Since the contentious issues arise and the revision is still pending, the parties are agreeable that it would be appropriate if the revision itself is decided within a specified time, considering which the learned Sessions Court is directed to decide the Criminal Revision No. 21/2020, within a period of three months from today.

4] The copy of this order shall be produced by the parties before the learned Sessions Court so as to enable the Court to act upon it.

5] The Petition is disposed of in above terms. No order as to costs.

JUDGE

Rvjalit