

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1166 OF 2021

Dadasaheb s/o Shankar Suryawanshi

Petitioner

Versus

Vice Chairman

Jain Irrigation System Ltd. & others

Respondents

Mr. D. R. Markad, Advocate for the petitioner.

Mr G. O. Wattamwar, APP for respondent No. 3/State.

Mr. T. K. Sant, Advocate for respondents No. 1 and 2.

CORAM : R. M. JOSHI, J.

DATE : 30th JUNE, 2023.

PER COURT :

1. Heard.

2. This petition takes exception to the order dated 8th September, 2021 passed by learned Sessions Judge, Ahmednagar, in Criminal Revision No. 185/2019 wherein order dated 24th October, 2019 passed in RCC No. 456/2011 was challenged.

3. Learned counsel for the petitioner states that the learned Sessions Judge has committed error in not considering the order dated 16th January, 2015, passed by this Court in Criminal Writ

Petition No. 1355/2014 in proper perspective and has allowed the revision application on the sole ground that the Trial Court has committed error in issuing process by passing the impugned order while there was stay in force in the Writ Petition No 1355/2014.

4. Learned counsel for respondents states that in view of withdrawal of proceeding bearing RCC No. 115/2013 by the present petitioner, he may seeks instructions from his client as to whether he would wish to continue with Writ Petition No. 1355/2014. Be that as it may, it is a matter of fact that this Court by order dated 16th January, 2015 had made it clear that the order of stay to RCC No. 115/2013 shall not be used as stay to the proceeding of B Summary filed by the police. It is therefore clear that this Court has permitted the Trial Court to proceed with RCC No. 456/2011. In such eventuality, it is not open for the learned Sessions Judge to observe that the Magistrate has committed error by issuing order in ignorance of the stay granted by this Court. The imugned order, therefore, cannot sustain.

5. In the result, petition stands allowed. Impugned order is set aside. Criminal Revision No. 185/2019 is relegated back to the

Sessions Court, Ahmednagar for decision afresh on merit. The learned Sessions Judge is requested to assign Criminal Revision No. 185/2019 to District Judge -1, Ahmednagar for its decision afresh in accordance with law. Hearing of the revision be concluded at the earliest.

(R. M. JOSHI)
Judge

dyb