

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1376 OF 2022

Shah Faisal Burhan Sayyad

.. Petitioner

Versus

Bashir Fakir Mohammad Bagwan and another

.. Respondents

Mr. G. R. Syed, Advocate for the Petitioner.

Mr. Y. G. Gujarathi, APP for Respondent No. 2.

CORAM : KISHORE C. SANT, J.

DATED : 13th FEBRUARY, 2023.

P. C. :-

1. After hearing the matter for some time, this Court finds that, purpose would be served by directing the Appellate Court to decide the application at the stage of final hearing. It would be in the interest of the parties if the application below Exhibit 36 in Criminal Appeal No. 222/2015 is taken up and decided at the stage of final hearing of the appeal in view of the judgment of the Hon'ble Apex Court in a case of **Union of India Vs. Ibrahim Uddin and another** reported in **2012 (8) SCC 148**.

2. In view of the same, the impugned order is quashed and set aside with a direction to the Appellate Court to decide the application at the stage of final hearing.

3. The criminal writ petition stands disposed off.

(KISHORE C. SANT, J.)

P.S.B.