

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

CRIMINAL WRIT PETITION NO. 693 OF 2023

Swaliha Abusalih Arakkal

... Petitioner

v/s.

The State of Maharashtra

.... Respondent

Mr. Harsh Malhotra for the Petitioner.

Mr. R.M. Pethe, APP for the State.

Petitioner present in person.

Mr. Prakash Lahane, PI, Santacruz Police Station, present.

CORAM: R.G. AVACHAT, J.

DATED : 24th FEBRUARY, 2023.

P. C. :-

. The Petitioner has been directed to execute bond in the sum of Rs.50,000/- in terms of the final order passed in the proceeding under section 107 of the Code of Criminal Procedure. The Petitioner has preferred an appeal against the said order. The Appellate Court has refused to stay the final order passed by the Executive Magistrate. The Petitioner is therefore before this Court.

2. Learned APP has strong objection to entertain this Application. He invited this Court's attention to the observations made by the Executive Magistrate in his operative order stating that the Petitioner even misbehaved in lower Court. It is also pointed out that the

Petitioner is taking advantage of her caste and is threatening her neighbors to file complaint against them alleging the offence under SC & ST Act. The Petitioner is present before this Court. She assures to be of good behavior and co-operate with the proceedings. The Petitioner, being a woman, this Court is inclined to stay the operative part of the final order passed by the learned Magistrate under proceeding initiated under section 107 of the Code of Criminal Procedure pending the appeal before the Sessions Court. The learned Sessions Judge would do well to decide the Appeal within a period of six months from the date of receipt of copy of this order.

3. Writ Petition stands disposed of in above terms.

**PREETI
H JAYANI**

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(R.G. AVACHAT, J.)