

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

CRIMINAL WRIT PETITION NO. 2193 OF 2022

Prakash Chimanlal Sheth And Anr. ...Petitioners

Versus

State Of Maharashtra And Anr. ...Respondents

....

Mr. Balasaheb Deshmukh, Advocate for the Petitioner.

Mr. Y. Y. Dabake, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.

DATE : 30th JUNE, 2023.

PER COURT:

1. The only relief sought in this Petition is to direct the learned Additional Sessions Judge, Dindoshi to decide the Criminal Revision Application No.49 of 2022 preferred by Respondent No.2 expeditiously.

2. The learned Metropolitan Magistrate, 10th Court, Andheri Mumbai vide order dated 1st January, 2022 had issued summons under Section 319 r/w 190 of Cr.P.C. to Respondent No.2 under Section 41 of Maharashtra Protection of Ragging Act, 1999. The victim (Petitioner No.2) is a woman. The order dated 1st January, 2022 has been challenged by the Respondent No.2 before the Sessions Court by preferring revision application. Interim application Exh.-3 was preferred for granting stay to the

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proceedings. The learned Additional Sessions Judge vide order dated 23rd February, 2022 allowed the application for stay and the order dated 1st January, 2022 passed by learned Metropolitan has been stayed. The learned Sessions Judge also directed that the trial Court to proceed with the matter against Accused Nos. 1 and 2 as per law.

3. Learned Advocate for Petitioner submit that in the event the trial Court proceeds against the other Accused grave prejudice would be caused to the Petitioner. The revision application is now due for hearing on 16th October, 2023 and it is not clear whether the said application would be heard and disposed off on that date.

4. Considering the aforesaid circumstances, the learned Sessions Judge can be directed to decide the revision application expeditiously.

ORDER

i. The learned Additional Sessions Judge Borivali, Division Dindoshi is directed to decide the Criminal Revision Application No.49 of 2022 on 16th October, 2023 or within a period of three weeks from that day.

ii. It is made clear that this Court has not expressed any view on the merits of the case.

iii. Petition stands disposed off.

(PRAKASH D. NAIK, J.)