

VRJ

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

WRIT PETITION NO.3217 OF 2019

Tejashri Tejbahadur Jagtap Alias Tejashri
Sanjay Mhalas ... Petitioner
V/s.
The State of Maharashtra and Anr. ... Respondents

Ms. Amita Chaware for the petitioner.

Mr. A.R. Patil, APP for the respondent No.1/State.

Mr. Raviraj R. Parmane for the respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : MARCH 6, 2023

P.C.:

1. By the impugned order accused No.2 has been discharged of charges levelled against him.
2. Undisputedly, the impugned order has been passed without hearing the complainant/victim. In that view of the matter, the impugned order cannot be sustained. The impugned order is set aside. The Criminal Revision Application No.310 of 2018 is restored to the file of the learned Sessions Judge, Nashik.
3. Learned Sessions Judge shall decide the Criminal Revision Application No.310 of 2018 after giving opportunity of hearing to the victim. The victim be added as respondent No.2.

4. Amendment to be carried out within four weeks from the date of receipt of copy of this order.
5. The writ petition stands disposed of. No costs.
6. During pendency of the revision application, interim relief which was in force during pendency of the revision application shall continue.

(AMIT BORKAR, J.)