

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

CRIMINAL WRIT PETITION NO.5551 OF 2019

Tabassum Sameer Sayyad & Anr. Petitioners

versus

Sameer Salim Sayyad & Anr. Respondents

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- Mr. Sachin V. Khandagale, Advocate for Petitioner.
- Mr. Shekhar Jagtap a/w Sairuchita Chowdhary i/b. J. Shekhar & Co., Advocate for Respondent No.2.
- Mr. A. R. Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 14th JULY, 2023

P.C. :

1. Both the learned counsel fairly stated that instead of the parties contesting for the interim relief, the Trial Court can be directed to decide the main application pending before him finally within a time bound period. Both of them submitted that the question raised by both the parties be left open including the question of the necessity and financial constraints faced by the Applicant/wife.

2. Considering these submissions, following order is passed :

ORDER

- (i) Learned 8th Judicial Magistrate First Class, Pune, shall decide the Criminal Misc. Application No.590 of 2014 finally within a period of four months from today.
- (ii) It is made clear that all the contentions raised by both the parties are specifically left open.
- (iii) The learned Magistrate shall also consider the question regarding the necessity and the financial constraints faced by the Applicant/wife during the pendency of the proceedings before the learned Magistrate.
- (iv) The parties shall appear before the Court of learned Magistrate on 24/07/2023 and seek a suitable early date so that the matter can be proceeded from that point onwards.

- (v) While deciding the trial, the learned Magistrate shall not be influenced by the observations made by the Sessions Court.
- (vi) Both the parties shall co-operate with early disposal of these proceedings.
- (vii) With the aforesaid direction, the Petition is disposed of.

(SARANG V. KOTWAL, J.)