

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPW) NO. 1/2023 IN
CRIMINAL WRIT PETITION NO. 397/2019
(Mohit S/o. Rajkumar Shahu Vs. State of Maharashtra & ors..)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.P. Joshi, Advocate for petitioner/applicant.
Mr. M.J.Khan, APP for non-applicant Nos. 1 to 3
Mr. R.S. Nayak, Advocate for non-applicant Nos. 4 to 6.

CORAM: VINAY JOSHI AND
VALMIKI SA MENEZES JJ.

DATED : 18/01/2023.

Heard.

2. This application is moved by the petitioner seeking amendment in prayer clause (vi) in petition which read as under:-

“(vi) during the pendency of the instant petition, stay further proceedings in Sessions Trial/NDPS Case No. 27/2019 pending before the District Judge-1 and Additional Sessions Court/Special Court, Nagpur.”

3. In substance, the petitioner by way of amendment is seeking to add prayer to stay the proceeding pending before the Special Court.

4. The learned APP while resisting this application, has pointed out our order dated 16.12.2020, wherein we took note that the petition does not bear prayer for stay to the trial. Moreover, this Court has expressed the expectation that the Special Court will proceed with the trial. In the light of those remarks, the learned APP

submits that the prayer sought to be amended is not tenable.

5. In our view, it is a matter of merit whether the stay is to be granted to the proceeding before the Special Court or not. Certainly, we would take into account our earlier orders while deciding amended prayer on its merits. However, we find no difficulty to permit the petitioner to add prayer as sought for. In view of that, application is allowed and disposed of.

6. Amendment be carried out within one week and reply shall be filed within two weeks thereafter. In addition to that, we direct to file amended copies of petition incorporating all amendments. We also request to put an endorsement in the marginal column besides amended portion about date of each amendment.

7. Stand over after three weeks for final hearing.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

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