



Diksha Rane

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

WRIT PETITION NO.1685/2022

RAKESSH R. MEHTA S/O. RAJENDRA
CHINILAL MEHTA & ORS.

..PETITIONERS

VS.

RACHITA RAKESSH MEHTA D/O. PRAKASH
PARSHURAM LADDHA & ANR.

..RESPONDENTS

Adv. Pranav Badheka a/w. Adv. Munerul Shaikh i/b. Ms. Pinaz
C. Contractor for the petitioners.
Mr. A. R. Patil, APP for the State.
Adv. Subodh Desai for the respondent no.1.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 9, 2024.

P.C. :

1. Heard learned counsel for the petitioners and learned counsel for the respondent no.1.
2. Mr. Subodh Desai, learned counsel appearing for the respondent no.1, in all fairness pointed out that in view of the decision of the Supreme Court in **Odi Jerang vs. Nabajyoti Baruah & ors.**¹, the matter needs to be remitted to the trial Court for a fresh consideration.
3. The impugned order, therefore, is set aside only to the

¹ Petition(s) for Special Leave to Appeal
Crl. No.(s)2135/2022 decided on 22/8/2023.

extent of non compliance of the mandatory condition as laid down by the Supreme Court in Odi Jerang (supra), and for further proceedings upon compliance with the mandatory requirements.

4. In this view of the matter, the matter is remanded back to the trial Court for proceeding further with the matter after complying with the mandatory condition as per the law laid down by the Supreme Court.

5. All other contentions on merits raised in this writ petition are kept open.

6. The writ petition is disposed of accordingly.

7. The copy of the mediation report be supplied to the parties.

(M. S. KARNIK, J.)