

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

WRIT PETITION NO. 5154 OF 2019

Daniel Michael Moore and Others ... Petitioners

Vs.

Virendra M. Deshpande and Others ... Respondents

Mr. Harshad Nimbalkar, through VC, with Satyam H. Nimbalkar with Shivam H. Nimbalkar i/b Abhishek U. Arote, for Petitioners.

Mr. Suhas Shivaji Deokar, for Respondent No. 1.

Mr. Bapu Vitthalrao Holambe Patil, APP for State-Respondent.

CORAM:- N. J. JAMADAR, J.

DATED:- 12th MARCH, 2024

PC:-

1) Heard the learned Counsel for the petitioners and the learned Counsel for the respondent No. 1 – complainant.

2) The petitioners have assailed an order passed by the learned Magistrate, Vadgaon, Maval in RCC No. 135 of 2019 of issue of process against the petitioners for an offence punishable under Section 406 read with Section 34 of the Indian Penal Code, 1860 and Section 447 of the Companies Act, 1956, in Revision Application No. 421 of 2019.

3) In the said Revision, the petitioners had prayed for interim relief. By the impugned order dated 6th November, 2019, the learned Additional Sessions Judge declined to grant ad-interim ex- parte stay and issued notice to the respondents. Being aggrieved the petitioners have preferred this Petition. When the matter was listed before the Court on 16th October, 2019, this Court was persuaded to grant interim relief in terms of prayer Clause 'c' of the Petition, thereby staying the proceedings arising out of RCC No. 135 of 2019, pending on the file on the learned Magistrate Vadgaon Maval till the disposal of the Petition.

4) Evidently, what is under challenge is an order declining to grant ad-interim relief. Revision Application is still pending on the file of the learned Additional Sessions Judge. In the circumstances, it would be appropriate that the Revision Application itself is decided on merits as expeditiously as possible. Since the interim order is in operation from October, 2019, it may be expedient to continue the same as an interim order till the disposal of the Revision Application on merits.

5) Hence, with the consent of the Counsel for the parties, the Petition stands disposed with a request to learned Sessions Judge seized with criminal Revision Application No. 421 of 2019 to hear and decide the Revision Application as expeditiously as

possible after providing an effective opportunity of hearing to the parties and preferably within a period of six months from the date of scheduled for the appearance of the parties.

6) The parties shall appear before the learned Sessions Judge on 30th March, 2024.

7) In the meanwhile, the interim order passed by this Court staying the proceeding before the learned Magistrate in RCC No. 135 of 2019 shall continue to operate till the decision of the Revision Application.

8) The petition stands disposed.

9) It is clarified this Court has not entered into the merits of the matter.

[N. J. JAMADAR, J.]