



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

CRIMINAL WRIT PETITION NO. 419 OF 2024

PETITIONER : Sh. Lakshmichand S/o. Sohanlal Kharole
Aged about 62 yrs., Occu. : Retired
R/o. Plot No. 6633/B/14, Dimond Nagar
Manewada-Besa Road, Parvati Nagar
Nagpur 440027

//VERSUS//

RESPONDENTS : 1. State of Maharashtra,
Through Police Station Officer,
Gadge Nagar, Amravati

2. Sh. Ulhas Keshav Joshi
Aged about 77 yrs., Occu. : Business
R/o. Sant Niwas, Old Khetan Nagar
Akola, Tah. & Dist. Akola.

Mr. A. T. Puruohit, Advocate for the petitioner
Mrs S. V. Kolhe, APP for respondent Nos. 1 to 3.

CORAM : G. A. SANAP, J.
DATED : 25th JUNE, 2024

ORAL JUDGMENT

1. Heard.

2. **RULE.** Rule made returnable forthwith. Heard finally
with the consent of learned Advocates for the parties.

3. In this writ petition, the principal grievance made by the petitioner is that the revision, filed by him, against the order of issuance of process, dated 17.03.2022, passed by the learned Chief Judicial Magistrate, Amravati for the offences punishable under Sections 420, 468 and 471 read with Section 120-B of the Indian Penal Code, has not been decided expeditiously. Respondent No.2 has been privately served. The service affidavit has been filed on record.

4. It is the grievance of the petitioner that he has made an application before the learned District and Sessions Judge-2, Amravati (for short 'the Sessions Judge') to dispose of the revision application expeditiously or to consider his application for stay to the impugned order of issuance of process. The record reveals that for this purpose the matter was taken on board on 04.05.2024. The order passed by the learned Sessions Judge would show that the learned Judge has recorded that there is no urgency to take the matter on board and decide it expeditiously. The record reveals that the two stay applications made by the petitioner are pending before the learned Sessions Judge. Learned Sessions Judge has not decided those applications.

5. The process has already been issued. The said order of issuance of process has been challenged by way of revision. Learned Sessions Judge was expected either to dispose of the revision application or if he had any genuine difficulty then he should have considered the stay applications. Learned Advocate for the petitioner submits that both stay applications are still pending. It is pointed out that the main criminal case is fixed for recording the evidence of the complainant and witnesses before charge.

6. In my view, the approach of the learned Sessions Judge is not in consonance with the law. The revision application must be disposed of expeditiously so that the main matter does not remain pending. The grievance made by the party in a revision application against the impugned order needs to be redressed at the earliest. On going through the writ petition, I am satisfied that, on merits, no substantive relief has been claimed in the petition. The only prayer made is to direct the learned Sessions Judge to decide his revision application and stay applications expeditiously. In my view, disposal of the revision application expeditiously by the learned Sessions Judge would be in the interest of both parties. Therefore, in this writ petition as such, no relief has been sought against the original complainant. In view of this, the writ petition

is **allowed**.

7. The learned District and Sessions Judge-2, Amravati is directed to dispose of the revision application expeditiously and in any case within a period of three months from the date of receipt of the copy of this order.

8. The parties shall extend their fullest cooperation to the learned Sessions Judge. During the pendency of the revision application, for three months there would be a stay to the criminal case bearing Regular Criminal Case No. 323 of 2022, pending before the learned Chief Judicial Magistrate, Amravati.

9. At this stage, learned Advocate submits that presently, the Court of District and Sessions Judge-2, Amravati is vacant. In view of this, learned District and Sessions Judge, Amravati shall himself dispose of the revision application expeditiously.

10. Rule is made absolute in the above terms.

(G. A. SANAP, J.)