



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

918 CRIMINAL WRIT PETITION NO. 1581 OF 2025

**MS GOODWILL ENTERPRISES THR PROP. MANISH
HRIDYANARAYAN UPADHAY**

....Petitioner

VERSUS

HEMANT VAMANRAO GUTTE

.....Respondent

WITH

CRIMINAL WRIT PETITION NO. 1577 OF 2025

Mr. S. W. Munde, Advocate for the petitioners

Mr. P. M. Kulkarni, APP for the respondents/State

CORAM : ABHAY J. MANTRI, J.

DATE : 28th NOVEMBER, 2025

PER COURT :

1. Heard the learned advocate for the petitioner. He submits that the petitioner has challenged the order dated 01-10-2025, passed by the learned JMFC, Latur, below Exh. 109 in SCC No. 551/2017.

2. After hearing him, the court has passed the order to issue notice to the respondent and listed the matter on 15-12-2025.

3. On 15-11-2025, the matter was listed before the learned Magistrate. At that time, the learned advocate for the complainant had moved an application before the learned Magistrate, contending that he had challenged the order dated 01-10-2025 before this court,

and the same is pending for consideration.

3. The learned Magistrate has granted the same subject to the cost of Rs. 500/-, to be credited to the DLSA. On condition that the matter shall proceed on the next date from the scheduled stage, and he submitted that the matter is listed tomorrow, i.e. 29-11-2025, for recording the statement under Section 313. As such, he urged for a stay in the same till 15-12-2025.

4. He tendered a true copy of the order dated 15-11-2025 across the bar showing the order passed by the learned Magistrate. The same is taken on record and marked 'X' for identification purposes.

5. Perused the same. Prima facie, I found substance in his contention.

6. Having considered the facts, in my view, it would be appropriate to stay the proceeding before the learned Magistrate till the next date. It would not cause prejudice to the rights of the other side.

7. On the contrary, if the right to adduce additional evidence of the petitioner is curtailed, then they would certainly be deprived of their right to adduce the evidence. As such, I deemed it appropriate to pass the following order:

ORDER

- i. The proceeding before the learned Magistrate, Latur, is stayed till the next date.
- ii. The learned APP is requested to inform the learned Magistrate court about the passing of this order.
- iii. List the matter on 15-12-2025.

[ABHAY J. MANTRI, J.]

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