

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.2648 OF 2025

BHALCHANDRA
GOPAL
DUSANE

Ashok Jagdish Thapar & Anr.

...Petitioners

Versus

The State of Maharashtra & Anr.

...Respondents

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BHALCHANDRA
GOPAL DUSANE

Date: 2025.06.09
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Ms. Sonal V. Parab a/w Mr. Siddhesh Shetye, Advocate for
Petitioners.

Ms. P.P. Bhosale, APP for State

CORAM: MADHAV J. JAMDAR, J.

DATED : 9th June 2025

P.C.:

1. Heard Ms. Parab, learned Counsel appearing for the
Petitioners.

2. The principal relief sought in this Writ Petition is as follows:-

“a) That this Hon’ble Court may be pleased to direct the Hon’ble Sessions Court at Solapur to decide the Applications being ‘**EXHIBIT 1**’ and **EXHIBIT 13**’ filed in the Criminal Miscellaneous Application No.111 of 2024 by the Applicants within a stipulated time as deem fit and appropriate by this Hon’ble Court.

b) That this Hon’ble Court may be pleased to stay the execution of the bailable warrant issued by the learned Judicial Magistrate First Class, Solapur in the SCC No.869/SS/2014 on such terms and conditions as this Hon’ble Court may deem fit and proper.”

3. Perusal of record shows that on 4th April 2024, the Petitioner received summons from the learned Judicial Magistrate First Class, Solapur directing their presence before the learned Court. On 9th May 2024, the Petitioners have appeared before the learned Judicial Magistrate, First Class, Solapur. In fact, the said summons was received by the Petitioners on 4th April 2024 on the basis of the Order, which has been passed on 2nd September 2015 by the learned Judicial Magistrate First Class, Solapur issuing process against the present Petitioners for commission of offence punishable under Section 500 read with Section 34 of the Indian Penal Code.

4. The Petitioners have preferred Criminal Miscellaneous Application No.111 of 2024 challenging the Order dated 2nd September 2015 and also filed an Application for condonation of delay (Exh.1) and stay application (Exh.13).

5. The only submission is that the learned Sessions Court, Solapur be directed to decide the delay condonation application filed in Criminal Miscellaneous Application No.111 of 2023 and stay application filed in said Criminal Miscellaneous Application within the stipulated time.

6. However, it is required to be noted that the Criminal Miscellaneous Application No.111 of 2024 alongwith delay application and stay application is filed on 28th August 2024. The learned Sessions Court has also issued notice to the Respondent No.2. Therefore, there is no inordinate delay in deciding delay condonation application filed in Criminal Miscellaneous Application No.111 of 2023 to exercise jurisdiction under Article 227 of Constitution of India.

7. As far as prayer clause (b) regarding stay to the execution of bailable warrant issued in SCC No.869/SS/2014 is concerned, the Petitioners are at liberty to file appropriate application before the concerned Judicial Magistrate First Class, Solapur. To enable the Petitioner to file such application, for a period of 15 days, the bailable warrant issued by the learned Judicial Magistrate First Class, Solapur shall not be executed.

8. Accordingly, the Writ Petition is disposed of in above terms, however, with no order as to costs.

9. It is clarified that this Court has not considered the merits and all contentions of the parties on merits are expressly kept open.

(MADHAV J. JAMDAR, J.)