

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3024 OF 2025

Dr Ashlesha V Dave & Anr.

...Petitioners

Versus

State of Maharashtra

...Respondent

Mr. Nishad Nevgi a/w Ms. Bhuneshwari Kanojia i/b Samaa Shah, for the
Petitioners.

Mr. Shrikant H. Yadav, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 9th JUNE 2025

P.C.:

1. Heard Mr. Nishad Nevgi, learned Counsel appearing for the
Petitioners and Mr. Shrikant Yadav, learned APP appearing for the
Respondent-State.

2. By the present Writ Petition, the challenge is to the order dated
14th February 2025 (page no.50) passed by the learned Magistrate as
also orders dated 6th November 2024 (page no.51), 12th February 2025
(page no.52) and 15th April 2025 (page no.53) passed by the learned
Sessions Judge in Criminal Revision Application No.187 of 2023.

3. It is the contention of learned Counsel appearing for the
Petitioners that by order dated 13th July 2023 passed by the learned
Sessions Court, the proceeding bearing C.C. No.5500080/PW/2021
was stayed. However, by the impugned orders passed by the learned
Sessions Court, Mumbai, the said stay was not extended and the

learned Metropolitan Magistrate is proceeding with the matter. He states that in said Criminal Revision Application even the written submissions have also been filed. He states that, the Petitioners are ready to go ahead with the said Revision and no adjournment will be sought. He therefore submits that the stay which has been granted by the order dated 13th July 2023 passed by the learned Sessions Court, Mumbai in said Criminal Revision Application No.187 of 2023, be continued till disposal of said Criminal Revision Application.

4. Mr. Shrikant Yadav, learned APP for the Respondent-State strongly opposes the said prayer.

5. However, perusal of the record shows that the learned 55th Metropolitan Magistrate's Court, Vile Parle, Mumbai, by order dated 8th March 2023, rejected Application filed by the present Petitioners under Section 239 of Code of Criminal Procedure, 1973 ("CrPC") seeking discharge. The said order is immediately challenged by filing Criminal Revision Application No.187 of 2023 and learned Sessions Court has granted stay to the said proceeding by order dated 13th July 2023. The said stay was in operation till 6th November 2024.

6. It is also to be noted that the Petitioners have also filed written submissions before the learned Sessions Court, Mumbai in said Criminal Revision Application No.187 of 2023.

7. Accordingly, in the interest of justice the following order is

passed:

ORDER

1. Order dated 13th July 2023 passed by the learned Sessions Court, Mumbai, in Criminal Revision Application No.187 of 2023 shall remain in operation till disposal of said Criminal Revision Application on the condition that Petitioners shall not take any adjournment in said Criminal Revision Application and shall argue the said Criminal Revision Application as and when the same is taken up by the concerned learned Additional Sessions Judge.

2. Learned Additional Sessions Judge is requested to dispose of the said Criminal Revision Application No.187 of 2023, expeditiously.

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

[MADHAV J. JAMDAR, J.]