

ANAND
SUDHAKAR
SUDAME

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 552 OF 2025

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Date: 2025.07.22
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Dr. Sabina Ajaz Ahmad Khan

.Applicant

Versus

The State of Maharashtra & anr.

.Respondents

Mr. Kamran I. Shaikh i/b. Mr. Aamir Koradia a/w. Mr. Zaki Shaikh
& Misbah Loladia, Advocates, for the Applicant

Ms. R. S. Tendulkar, APP, for Respondent No. 1 - State

CORAM : S. M. MODAK, J.

DATE : 14.07.2025

P. C.

1. Mentioned out of turn.
2. Heard Mr. Kamran Shaikh, learned Advocate for the Applicant who is Accused No. 2. Today is the first date. Since she is wife of Accused No. 1, there are certain differences amongst them.
3. The contention raised is that the Applicant is joined as an Accused without material and there is no connection with the transaction in the complaint. There is also contention that there are no supporting documents justifying her involvement.
4. This Court feels that all these issues can be raised by way of Revision Application.

5. Learned Advocate for the Applicant intends to refer to various Orders passed by the Supreme Court and this Court on the point of challenge to the Order of issue process. He may be right but the Revisional Court can also go into all these contentions.

6. It is submitted that the matter is fixed before the trial Court tomorrow for recording of plea. I am inclined to grant some protection.

7. In view of that, the following Order is passed.

O R D E R

- (i) Liberty is granted to the Applicant to approach the Court of the learned Additional Sessions Judge by way of Revision Application thereby challenging the Order of issue process;
- (ii) The trial Court not to record plea of Applicant for a period of two weeks from the date of uploading of this Order;
- (iii) The Applicant is at liberty to seek for condonation of delay in filing the Revision Application, if any. If there is any delay, the learned Judge to consider it positively;
- (iv) All contentions are kept open.

(S. M. MODAK, J.)