



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

CRIMINAL APPLICATION (APL) NO.1026 OF 2025

(Vineet Ashok Jain & Anr.
Vs.
Sunil Sohanlalji Ajmera & Anr.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A.A. Naik, Senior Advocate a/b Mr. A.M. Kukday, Advocate for the Applicant.
Mr. V.A. Thakare, APP for the Non-applicant No.2/State.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 21st JULY, 2025

1. By this Application, the Applicants are challenging the issuance of process under Sections 420, 468, 471, 473 read with Section 34 of the Indian Penal passed in M.C.C. No. 1696/2018.

2. The Non-applicant No.1 has taken agency/dealership on 09.07.2002 from Applicant No.1 for distributing Times Group Newspaper and magazine by paying Rs. 4 Lakhs and is running the business at Akola under the name Jain Agency. The Non-applicant No.1 from 01.08.2002 used to receive daily newspaper and magazine from Bombay and the Non-applicant was having dealership for around 10 years. Thereafter the newspaper started to be published at Nagpur and the newspapers used to be delivered to the

Non-applicant No.1 from Nagpur by taxi. The President of Akola Mahanagar Sanstha, other post holder Pandurang and One Lalit Agrawal came to Non-applicant No.1 and restrained the Non-applicant No.1 from newspaper distribution. On 21.07.2012, the Non-applicant No.1 received less quantity of newspaper, the Non-applicant No.1 called Applicant No.2 but the call was not answered. Later Non-applicant No.1 received call from Applicant No.2 asking the Non-applicant No.1 to close the agency. On 25.07.2012, the Non-applicant No.1 lodged Police complaint at City Kotwali Police Station Akola. The Non-applicant No.1 further filed a Spl. Civil Suit bearing No.83/2012 before the Hon'ble Civil Judge Senior Division, Akola, wherein the Applicants have filed their written statement and denied the agency and contended that Madhubala Ajmera is the agent of Applicants. The Applicants further contended that Madhubala Ajmera is the wife of Sunil Ajmera and she is the dealer of the company. It is alleged that he has sustained the loss of Rs.10 Lakhs, and therefore, he had filed an Application under Section 156(3) of Criminal Procedure Code for issuing direction to Ramdaspath Police Station. The Learned Trial Court has rejected the prayer under Section 156 (3) of CrPC and the case was kept for verification. After recording the verification, learned Trial Court issued the process. Against the same, the present Applicants had preferred Criminal Revision Application No. 182/2024, as the learned Sessions Judge-2, Akola neither heard the revision nor decided the stay application of the Applicants, and therefore, the present Applicants had approached this Court for directions.

3. Heard Mr. Naik, learned Senior Counsel appearing for the Applicants, who submitted that despite the various requests the learned Sessions Judge-2, Akola has not decided the stay application and now the Applicants have apprehension of issuance of Non-Bailable Warrant against them as they have not attended the proceeding as they have challenged the order of issuance of process. If the revision or the stay application is not decided immediately then there is a very possibility of arrest of the present Applicants by executing the warrant. He in support of his contention, has placed on record the roznama of the Court of learned Sessions Judge-2, Akola, which shows that the stay application is shown to be kept pending.

4. Mr. Naik, learned Senior Counsel appearing for the Applicants, fairly submitted that even the direction to the learned Sessions Judge-2, Akola to dispose of the stay application alongwith criminal revision finally, would also suffice the purpose.

5. Learned APP, submitted that appropriate order may be passed.

6. Considering the issue raised, it would be appropriate to direct the learned District and Sessions Judge-2, Akola to dispose of the criminal revision alongwith the stay application expeditiously. In view of that, I proceed to passe the following order.

ORDER

- i. The Application is **allowed**.
 - ii. The District and Sessions Judge-2, Akola, shall dispose of the Criminal Revision bearing No. 182/2024 expeditiously within a period of one month. Due to some reasons the District and Sessions Judge-2, Akola is not able to dispose of revision application, shall dispose of the stay application expeditiously.
 - iii. In the meantime, the order passed by the Trial Court issuing Bailable Warrant against the present Applicants stands stayed till the decision of the stay application.
7. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)