

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 345 OF 2020
(Arising out of SLP (Cr1.) No. 635/2020)

CHANDRAKANT SATISH TOASHNIWAL

Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

O R D E R

- 1) Leave granted.
- 2) Having heard the learned counsel for the appellant and learned counsel appearing for the respondent No.1-State of Maharashtra and learned counsel appearing for Respondent Nos. 2-8, it is clear that the direction to stay proceedings in the petitioner's complaint and adjourning the same *sine die* is beyond the prayer in the writ petition itself, which is set out herein below:-

"A) This Writ Petition kindly be allowed with costs; AND,

B) The impugned order passed by the Ld. J.M.F.C. Jalgaon in R.C.C. No. 187/2015 dated 08/12/2016 directing issuance of process against original accused no.7 (Sureshkumar Mantri the petitioner no.7 herein) be kindly quashed and set aside and R.C.C. 187/2015 be dismissed against all the accused named therein; AND,

C) The Judgment and Orders, passed by the court of 1st Ad-hoc Additional Sessions Judge at Jalgaon, dated 06/08/2018 in Criminal Revision Application No. 02 of 2017 i.e. Chandrakant Toshniwal vs. Shri B.L. Tapdiya and others, and

Criminal Revision Application No. 27 of 2017 i.e. Sureshkumar Chandrakant Mantri v/s Chandrakant Toshniwal and others both be quashed and set aside by allowing criminal revision application no. 27/2017; AND,

D) Pending the hearing and final disposal of the present writ petition the operation, continuance and execution of the order dated 08/12/2016 passed by Ld. J.M.F.C. at Jalgaon against the original accused no.7 (Sureshkumar Mantri i.e. Petitioner no.7 herein) as well that of the judgment and order dated 06/08/2018 passed in Criminal Revision Application No.02/2017 and 27/2017 by Ist Ad-hoc Additional Session Judge at Jalgaon both be kindly stayed; AND,

E) Any other further and additional relief to which the present petitioners are found entitled for also be kindly granted to them.”

3) On this ground alone, this part of the impugned judgment is set aside.

4) The appeal is disposed of accordingly.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(S. RAVINDRA BHAT)

New Delhi;
February 24, 2020.

ITEM NO.45

COURT NO.4

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 635/2020

(Arising out of impugned final judgment and order dated 05-11-2019 in CRLWP No. 1388/2018 passed by the High Court Of Judicature At Bombay At Aurangabad)

CHANDRAKANT SATISH TOASHNIWAL

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

(IA No. 14062/2020 - EXEMPTION FROM FILING O.T.)

Date : 24-02-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr. Rameshwar Totala, Adv.
Mr. Debesh Panda, AOR
Mr. Naman Maheshwari, Adv.

For Respondent(s) Mr. Sushil Karanjkar, Adv.
Mr. Sachin Patil, AOR

Mr. Nithin Saravanan ,Adv.
Ms. Arunima Singh, Adv.
Mr. Shivam Tandon, Adv.
Mr. Karunakar Mahalik, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending applications, if any, also stand disposed of.

(R. NATARAJAN)
AR-cum-PS

(NISHA TRIPATHI)
BRANCH OFFICER

(Signed order is placed on the file)