

ORDER BELOW EXH. 04 IN CRI.REV. NO.133/2023

The order dated 4/9/2023 passed below Exh.13 in RCC NO.959/2015 by the learned Chief Judicial Magistrate, Kolhapur rejecting the prayer for discharge of the accused after hearing before charge has been challenged in this revision. The complainant and witness are the doctors by the profession and the accused is an advocate. The alleged incident took place on the ground of non-payment of advocates fee by one Dr. Manjushri Sutar and the complainant Dr. Smitarani More was her friend who alleged that the accused has outraged her modesty.

2. The only question that is sought to be raised in this revision is has to whether there was material on record to frame the charge particularly u/s.354 of IPC. Considering this scope of the revision I am of the view that a short date can be fixed and the notice to the other side should be issued and this revision can be heard on its merit staying the matter before the learned Chief Judicial Magistrate, Kolhapur in the meantime. Hence, the order.

ORDER

1. Issue show-cause notice to the opponent as to why the stay as prayed shall not be granted returnable on 20/11/2023.
2. In the meantime there shall be stay to the further proceeding before the learned Chief Judicial Magistrate, Kolhapur till 20/11/2023.
3. Inform the learned Chief Judicial Magistrate, Kolhapur and the record and proceeding be called immediately.

Kolhapur.
Date : 03/11/2023

Sd/-
(**S.R. Salunkhe**)
Additional Sessions Judge,
Kolhapur.