

**: ORDER BELOW EXH.5 IN CRIMINAL REVISION APPLICATION
NO. 10/2022 :**
(CNR No. MHRG15-000357-2022)

1) This criminal revision application is filed to challenge the order of issue process dated 30.04.2022 passed by the J.M.F.C. Shriwardhan in Regular Criminal Case No.64/2018. In said revision petition, present application for interim relief of staying execution operation of the said order of issue process, is filed by the accused persons, being aggrieved with said order.

2) The opponent/original complainant appeared in the matter filed his say vide Exh.10 and strongly opposed for the relief of staying execution operation of the impugned order claimed by the revisionists.

3) I have heard Ld. Advocate Shri. P. M. Thakur for the revisionists and Ld. Advocate Shri. V. U. Ghayal for the opponent. The State is a formal party to the revision application. conveni

4) I have gone through the material placed on record. *Prima facie* it appears that in response to the order of issue process and subsequent notices issued to the revisionists, they all have appeared before Ld. Magistrate and sought bail. It means that they have surrendered to the jurisdiction of the Ld. Magistrate in response of the order of issue process and have also sought bail in the proceeding. Therefore, the order of issue process is executed to some extent. Under these circumstances, in

my view, now there is no need of staying execution operation of the impugned order. Needless to say that whether order of issue process is proper, legal & correct one, can be decided at the stage of final hearing of the revision petition. But, execution operation of the impugned order cannot be stayed in given set of circumstances of the case. There is no merit in the application. Hence, I proceed to pass the following order :-

: O R D E R :

- 1) Application is rejected.

(Dictated and pronounced in open Court)

Mangaon.
Date : 15.09.2022.

(N. S. Kole)
Additional Sessions Judge,
Mangaon-Raigad