

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1195 OF 2015

Mr. S.K. Jindal & Ors.

.. Petitioners

v/s.

M/s. Mukesh B. Jhaveri & Ors.

..Respondents

Mr. Girish R. Agarwal for the petitioners

Ms. Dipika Batheja i/b Pravin U.Gaikwad for the respondent no.1

Mrs. R.V. Newton, APP for respondent State

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 6th OCTOBER, 2015.

P.C.

1. The petitioners herein are the complainants in C.C. No.43/13/SS/2014, pending before the learned Metropolitan Magistrate Court, Ballard Pier, Mumbai filed under Section 138 of the Negotiable Instrument Act. The learned Magistrate had issued process under Section 138 of the N.I. Act, which was challenged by the respondents-accused. The learned Sessions Judge had set aside the order of issuance of process and remanded the matter to the learned Magistrate with direction to reconsider the point of issuance of process after producing all the

necessary documents.

2. The complainants have impugned the said judgment in this petition. The learned Counsel for the petitioners fairly conceded that pursuant to the order of the Sessions Judge, the matter was remitted to the trial Court and process has already been issued under Section 138 of the N.I. Act and the matter is presently pending for trial.

3. In the light of these facts, the petition has become infructuous and, therefore, is dismissed accordingly.

(ANUJA PRABHUDESSAI, J.)

Certificate

Certified to be true and correct copy of the original signed
judgment / order.