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

**CRIMINAL WRIT PETITION NO. 1227 OF 2015**

**Infra Industries Limited and Ors. ... Petitioners**

**Versus**

**The State of Maharashtra and Ors. ... Respondents**

**Mr. O.A. Siddiqui for the petitioners.**

**Smt. A.A. Mane, A.P.P. for the State.**

**CORAM : M.L. TAHALIYANI, J.  
DATED : APRIL 23, 2015**

**P.C.**

Admit. Heard finally.

2. Heard learned counsel for the petitioners and learned A.P.P. for the State.

3. The petitioners stand convicted for the offence punishable under section 138 read with 141 of the Negotiable Instruments Act in case No. 200/SW of 2014 of 7<sup>th</sup> Court, Dadar, Mumbai. The applicant nos.2 and 3 have been sentenced to suffer R.I. for one month each in addition to compensation amount.

4. The relief sought in the present writ petition is to quash the order

passed by the learned Magistrate in the said case. The grievance of the petitioners is that the operative part including sentence was pronounced before the judgment on merits was ready. It is submitted by Mr. Siddiqui, learned counsel for the petitioners that the judgment was therefore, vitiated. He has relied upon some of the judgments of the Hon'ble Supreme Court to canvass his point that the judgment and order was vitiated as procedure adopted by the Magistrate was erroneous.

5. In this regard, it may be mentioned here that the appeal filed by the petitioners is pending before the appellate court. They have been ordered to be released on bail by the appellate court. In my opinion, it would be just and proper to agitate all these issues before the appellate court. This writ petition is therefore premature and cannot be entertained. It needs to be dismissed summarily and is accordingly dismissed.

**(JUDGE)**