

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

CRIMINAL APPLICATION NO. 435 OF 2015

Hema Bipin Shah ... Applicant.

V/s.

The State of Maharashtra & Anr. ... Respondents.

WITH

CRIMINAL APPLICATION NO. 436 OF 2015

Hema Bipin Shah ... Applicant.

V/s.

The State of Maharashtra & Anr. ... Respondents.

Mr. Satyavrat Joshi, Advocate for the Applicant.

Ms. G. P. Mulekar, APP for the State.

Mr. Uday P. Warunjikar a/with S.A.Pilankar, Advocate for Respondent No.2 in both the applications .

CORAM : M.L.TAHALIYANI,J.

DATE : 17th JULY, 2015

P.C. :

1 Admit. Heard finally.

2 Heard Mr. Satyavrat Joshi, Advocate for the Applicant and Mr. Warunjikar, Advocate for Respondent No.2 in both the applications and the learned additional public prosecutor for Respondent No.1- State.

3 The applicant impugns the orders passed by the Magistrate in two cases, issuing process against her to answer

the charge for the offence punishable under section 138 of the Negotiable Instruments Act. It is submitted that there are no sufficient averments which may warrant, issuance of process against the applicant. This issue could have been raised before the Sessions Court by filing revision applications. Learned Advocate Mr. Satyavrat Joshi sought to argue that the plea of the applicant had been recorded. Therefore, the revision application will not be entertained. Let the learned Sessions Judge also deal with this issue. If the applicant still feels aggrieved, it is always open to him to move this court.

4 The present criminal applications are, therefore, dismissed. The applicant is at liberty to file criminal revision applications against the orders. The learned Sessions Court shall condone the delay, if any caused due to the pendency of the present criminal applications. The rest of the delay, that is, earlier to the filing of the present applications will obviously have to be explained satisfactorily by the applicant.

5 Ad-interim relief granted by this court shall remain in force for a period of two weeks.

6 Both the applications are disposed of in the above terms.

(JUDGE)