

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

**CRIMINAL WRIT PETITION NO. 2350 OF 2015**

Shree Bahubali Zilla Nagari Sahakari  
Path Sanstha Mydt. Jaysingpur & Ors. .. Petitioners

v/s.

Anil Narayan Hogade & Ors. ..Respondents

Mr. Manoj Patil for the petitioners  
Mr. Varad Deore for the respondents  
Mr. J.H. Ramugade, APP for respondent State

**CORAM: SMT. ANUJA PRABHUDESSAI, J.  
DATED: 22<sup>nd</sup> SEPTEMBER, 2015.**

**P.C.**

1. Heard the learned Counsel for the petitioners and the respondent.
2. By the present petition, the petitioners are challenging the order dated 10.04.2015 whereby the learned Magistrate has issued summons to the witnesses to produce the documents specified in the application dated 10.03.2015. The order only reflects that the say is not filed and hence, application is granted.

The order does not recorded any reasons and the same is passed without application of mind.

3. Under the circumstances, the said order cannot be sustained. Hence, petition is allowed. The impugned order dated 10.04.2015 is quashed and set aside. The matter is remanded to the learned trial Judge with further direction to decide the application dated 27.11.2013 in accordance with law.

4. Both the parties are directed to appear before the trial Court on 19<sup>th</sup> October, 2015 at 10.30 p.m.

**(ANUJA PRABHUDESSAI, J.)**

***Certificate***

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