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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3921 OF 2014**

M/s. Omnitech Infosolutions Ltd. and Ors. ... Petitioners

Versus

State of Maharashtra and anr. Respondents

Mr. Kini i/by Suresh Dubey for the petitioners.

Mr. K.A. Kharawala for respondent no. 2.

Smt. V.S. Mhaispurkar A.P.P. for State.

**CORAM : M.L. TAHALIYANI, J.
DATED : MARCH 17, 2015**

P.C.

Admit. By consent of the parties, taken up forthwith for final hearing.

2. Heard counsel for the parties.

3. The grievance of the petitioner is that their application for return of complaint to respondent no. 2 in view of the judgment of the Hon'ble Supreme Court in the matter of ***Dashrath Rupsingh Rathod Vs. State of Maharashtra, (2014) 9 SCC 129*** is not being decided by the learned Magistrate. Learned Magistrate insists for appearance of the petitioners for

deciding the said prayer also. In my opinion, appearance of the petitioners before the trial court is not necessary for deciding as to whether the complaint of respondent no. 2 shall be returned for being presented before the appropriate court or not.

4. It is therefore, directed that the warrants issued against the petitioners shall stand cancelled. Learned Magistrate shall decide the application filed by the petitioners within a period of one week. If such application is rejected by the Magistrate, petitioners shall act according to further orders of the Magistrate. Writ Petition is accordingly disposed of.

(JUDGE)