

nsc.

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

CRIMINAL WRIT PETITION NO.2614 OF 2016

Ravish Rafiuddin Majid	...Petitioner
Versus	
The State of Maharashtra and Anr.	...Respondents

Mr.S.R.Phanse, i/b Mr.Sarfaraz Khalife, for the Petitioner.

Mr.S.R.Agarkar, A.P.P for the Respondent No.1-State

Mr.Vimlesh Singh, for the Respondent no.2.

CORAM : REVATI MOHITE DERE, J.

DATE : 21st NOVEMBER, 2016

P.C. :

1. Heard learned counsel for the parties.

2. By this petition, the petitioner has impugned the order dated 30th May, 2015, passed by the learned Joint Judicial Magistrate First Class, Kalyan, in SCC No.1847 of 2014, by which process came to be issued as against the petitioner.

3. Learned Counsel for the respondent no.2 states that plea in the said case has been recorded and that affidavit of evidence has been filed in the said case and that the matter is posted for cross examination. The said facts are not disputed by the learned counsel for the petitioner.

4. Considering the fact, that plea is recorded and trial has commenced, no interference is warranted in the impugned order of issue process.

5. The petition is accordingly dismissed and disposed of as such.

6. It is made clear that this Court has not considered the petition on merits and the learned Judge shall decide the case on its own merits, uninfluenced by the dismissal of the aforesaid petition.

REVATI MOHITE DERE, J.