

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1368 OF 2016

M/s.Lux Industries Limited

... Applicant

Vs.

The State of Maharashtra & ors.

... Respondents

Mr.Anand Mishra with Sushil Upadhyay i/b A.M. Saraogi for the Applicant
Ms.Anamika Malhotra, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **DECEMBER 2, 2016**

P.C.:

1. Not on Board. Upon mentioning, taken on Board.
2. This is an application filed for quashing the order dated 29.4.2016 passed in Case No.5200037/SS/2014, by the learned Chief Metropolitan Magistrate, 57th Court, Kurla, Mumbai. The applicant is the company and Respondent Nos.3 to 8 are the Directors of the applicant company. By the impugned order, bailable warrant has been issued against the applicant. The applicant is being prosecuted for the offences punishable under Legal Metrology Act and a bailable warrant was issued against the applicant and the respondent-Directors by order dated 29.4.2016. However, from the record which is produced here, it appears that on 4.11.2016, an application for cancellation of bailable warrant was placed before the

learned Magistrate alongwith the application to take up the matter on Board. However, the learned Magistrate passed the following order:

“No urgency found. Hence, application is rejected.
Date: 4.11.2016”.

3. It appears that the learned Magistrate has passed this order without application of mind. Hence, the said order dated 4.11.2016 is set aside as the application moved before him was for cancellation of bailable warrant. The learned Magistrate is directed to entertain and decide the application made by the applicant-accused. The applicant-accused is directed to appear before the learned Magistrate on 14.12.2016 at 11am.

4. In view of the above, this criminal application is disposed of.

(MRS.MRIDULA BHATKAR, J.)