

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4171 OF 2016

Jayant Meghani ... Petitioner
Vs.
The State of Maharashtra & Ors. ... Respondents

WRIT PETITION NO. 4172 OF 2016

Taru Meghani ... Petitioner
Vs.
The State of Maharashtra & Ors. ... Respondents

**WRIT PETITION NO. 4173 OF 2016
WITH
WRIT PETITION NO. 4174 OF 2016**

Mahendra Meghani ... Petitioner
Vs.
The State of Maharashtra & Ors. ... Respondents

Mr. Bidhan Chandran i/b. Saswat Deb Sanjib, Advocate for the petitioner in all the matters.

ms. K.H. Rajani, Advocate for the respondents.

Mr. S.R. Agarkar, APP for the respondent/State in WP/4171/2016.

Mrs. Anamika Malhotra, APP for the respondent/State in WP/4172/2016.

Ms. Pallavi Dabholkar, APP for the respondent/State in WP/4173/2016.

Mr. Yogesh Y. Dabke, APP for the respondent/State in WP/4174/2016.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **9th December, 2016**

P.C.:

Rule. By consent, rule is made returnable forthwith

2. In all these Writ Petitions, the original complainant/petitioners have challenged the order dated 8th November, 2016 passed by the learned

Additional Chief Metropolitan Magistrate, 31st Court, Vikhroli, Mumbai. The process is issued against the respondents/accused under section 138 of Negotiable Instrument Act. On 8th November, 2016 when the matter appeared before the Regular Court, the concerned learned Magistrate was on leave, so it was placed before the learned Additional Chief Metropolitan Magistrate, 31st Court. All the accused were absent and therefore, the application for NBW was made. On that application, learned Magistrate has said "Other side to say".

3. The contentions of the learned counsel for the petitioners/original complainants is that when the accused are not appearing before the Court, why the learned Magistrate should pass the order of "Other side to say".

4. The learned counsel for the respondents/accused is present and submitted that all the accused are ready to appear before the learned Magistrate except accused no. 3, as proceedings qua accused no. 3 are stayed by the High Court.

5. Considering the facts of the case, there was no need for the petitioners to come before the High Court, as all the matters are fixed on 21st December, 2016 and on that day the petitioners can seek necessary

orders from the concerned learned Magistrate.

6. With this observation, all Writ Petitions are disposed of. Parties to appear before the learned Magistrate on 21st December, 2016 without fail.

(MRIDULA BHATKAR, J.)