

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

CRIMINAL APPLICATION NO. 181 OF 2017

Mr. Pramod Ramesh Bhogate ... Applicant

V/s.

Mr. Mehli K. Mistry & Anr. ... Respondents

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Mr. Akshay Deshmukh i/b Uday Warunjikar for the Applicant.

Mr. Parvez Memon i/b MZM Legal for Respondent No.1.

Mrs. Rutuja Ambekar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 06th OCTOBER, 2017

P.C.:

By the present application under Section 482 of the Cr.P.C., the Applicant has questioned the correctness of order dated 12.01.2017 passed by the Metropolitan Magistrate 64th Court, Esplanade, Mumbai thereby issuing process under Sections 500 and 501 of the Indian Penal Code.

2 Mr. Memon, the learned Counsel appearing for the Respondent No.1 raised a preliminary objection that, a revision under Section 397 of Cr.P.C. against the impugned order is maintainable and without availing the said alternate efficacious remedy, the Applicant has preferred present application directly before this Court. He on instructions further submitted that as a matter of fact, the Trial Court has already framed charge and the plea of Applicant has also been recorded.

3 In view of the fact that, the trial has already commenced, the present application for quashing of issuance of process does not survive and is accordingly, dismissed.

(A.S.GADKARI, J.)