

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 276 OF 2017

Sadanand Atmaram Kanade

... Applicant

Vs.

The State of Maharashtra and another

... Respondents

Mr. Chetan Pawar i/b Mr. Sameer Malusare Advocate for Applicant
Mr. V. V. Gangurde APP for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATED : 17th APRIL, 2017.

P.C.

1) Applicant herein is accused in SCC No. 154 of 2016. By an order dated 01/08/2016, the learned Judicial Magistrate First Class, Kudal has issued process against the applicant under section 138 of Negotiable Instruments Act.

2) The learned counsel for the applicant fairly submits that the order of issuance of process was not challenged before the Sessions Court under section 397 of Code of Criminal Procedure, 1973. On 18/11/2016, the learned Magistrate had passed an order as follows:

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“Considering the nature of matter, the matter is ordered to be proceeded as per summons trial procedure”.

- 3) The plea of the accused has been recorded. It appears that the grievance of the applicant was that the company has not been arraigned as an accused under section 141 of Negotiable Instruments Act.
- 4) No case is made out for quashing and setting aside the order dated 01/08/2016 since the plea is recorded. The learned Magistrate shall proceed with further stages, however, it is made clear that all contentions are kept open and may be considered at the appropriate stage.
- 5) Application is dismissed with above observations.

(SMT. SADHANA S. JADHAV, J.)