

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

CRIMINAL APPLICATION NO. 311 OF 2017

Mr. Sajid Siraj Malik

... Applicant.

V/s.

The State of Maharashtra & Anr.

... Respondents.

Mr. Dharmendra Rohra, Advocate for the Applicant.

Mr. Y. Y. Dabke, APP for the State.

CORAM : RAVINDRA V.GHUGE,J.

DATE : 21 MARCH, 2017

P.C. :

1 The Applicant seeks to challenge the order dated 03.07.2014 passed by the trial court in C.C. No. 6727/SS/2015 (old C.C.No. 936/SS/ 2014) by which the process has been issued against the applicant under section 138 r/w. 141 of the Negotiable Instrument Act. The proceedings are said to be pending before the learned Metropolitan Magistrate, 48th Court, Andheri, Mumbai.

2 Admittedly, the applicant can resort to a remedy of filing an appeal under section 397 of Cr.P.C.. This criminal application, therefore, need not be entertained.

3 Considering the above, this petition is disposed of with liberty to the applicant to avail the statutory remedy. The time spent by the applicant in this court from the date of filing of this application on 07.03.2017 till passing of this order shall be considered for condonation of the delay, besides all other contentions that the applicant may put forth.

(RAVINDRA V.GHUGE,J.)

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