

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

WRIT PETITION NO.3917 OF 2017

Shri.Sanjay R. Patil & Ors. ... **Petitioners**

V/s.

The State of Maharashtra ... **Respondent**

....

Mr.Sanjiv Punalekar with Mr.Sachin Kanse I/b. PRS Legal,
Advocate for the Petitioners.

Mr.Vinod Chate, APP for the Respondent/State.

....

CORAM : A.M.BADAR J.

DATED : 29th September 2017.

P.C. :

1 This is a petition praying for quashing and setting aside the Order dated 20/09/2017 passed by the learned Additional Chief Metropolitan Magistrate, Mazgaon in CC No.PW/720/2017.

2 Heard the learned Advocate appearing for the petitioners. He submits that out of three petitioners, who are accused before the learned Additional C.M.M., one has obtained the solvency certificate and other two are expected to get solvency certificate by next Friday. He submits that there is likelihood that petitioners will be taken in custody by the learned Additional C.M.M. The learned Additional Public Prosecutor appears for the State.

3 Perused the impugned Order dated 20/09/2017 passed by the learned Addl.C.M.M. It is observed in the said Order that the Order of the Metropolitan Magistrate dated 29/06/2017 is taken casually by petitioners as they have not furnished surety. The learned Addl.C.M.M. observes that cash bail was provisional. With this, the learned trial Court adjourned the matter till 29/09/2017 with a direction that it is a last chance for petitioners to furnish surety.

4 Normally, in exercise of extraordinary jurisdiction such interlocutory order cannot be entertained as it is not deciding any right of the parties. The discretion is exercised in sound manner and as such, the impugned Order needs no interference.

5 However, it is clarified that if petitioners seek short adjournment for furnishing surety only because they have not received the solvency certificate, then such request shall be considered sympathetically by the leaned trial Court.

6 With this observation, the petition stands disposed of.

7 Parties to act on authenticated copy of this Order.

(A.M.BADAR J.)