

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION NO.412/2016

Jai Balaji Industries Limited and others

..Vs..

Mecgale Pneumatics Pvt. Ltd. and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri C.A. Anthony, Advocate for the applicants.
Shri H.R. Gadhia, Advocate for respondent No.1.

CORAM : Z.A. HAQ, J.

DATE : 26.11.2018.

Heard.

By this application under Section 482 of the Code of Criminal Procedure, the accused takes exception to the order passed by the learned Magistrate directing issuance of process against them for the offence punishable under Section 138 of the Negotiable Instruments Act. The order passed by the learned Magistrate was challenged by the accused before the Sessions Court in revision application which is also dismissed and the order passed by the Sessions Court is also challenged in this criminal application.

The contention of the applicants / accused is that they are residing at Kolkata i.e. beyond the area over which the learned Magistrate exercises jurisdiction and, therefore, it was incumbent on the part of the learned Magistrate to postpone the issuance of process and enquire whether there are sufficient grounds for proceeding against the accused.

In the order passed by the learned Magistrate it is recorded that he made the preliminary enquiry as contemplated by Section 202 of the Code of Criminal Procedure before directing issuance of process. Learned Sessions Judge, while dismissing the revision application filed by the accused has also recorded that the learned Magistrate had postponed the issuance of process and then after complying with the mandatory provisions of Section 202 of the Code of Criminal Procedure, passed the order directing issuance of process against the accused.

After considering the material on record of the criminal application, I find that the applicants have not been able to substantiate their contention that the mandatory provisions of Section 202 of the Code of Criminal Procedure are not complied with by the learned Magistrate before directing issuance of process against them.

Hence, I see no reason to interfere with the impugned order passed by the learned Magistrate directing issuance of process against the applicants / accused. The criminal application is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE