

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

WRIT PETITION NO.1104 OF 2019

Ramdarash Ramkishun Vishwakarma & Anr. ...Petitioners

Versus

Mrs.Sarita Vinod Vishwakarma & Anr. ...Respondents

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Mr.Ram M.Upadhyay for the Petitioners.

Mrs.Manjula Rao i/b. Ms.Sweta A. Tandel for Respondent No.1.

Mrs.Rutuja Ambekar, APP for Respondent No.2-State.

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**CORAM : S.S. SHINDE, J.
DATE : 27th AUGUST 2019**

P.C.:

1. This petition takes an exception to the notice issued by learned Additional Chief Metropolitan Magistrate, 9th Court, Bandra, Mumbai on 10.12.2018 in C.C. No.252/DV/18.
2. Heard learned Counsel appearing for the parties.
3. The contents of the said notice, which is placed on record, at exhibit 'C', page No. 77 of the compilation of this petition, make it clear that pursuant to receipt of the said notice, the petitioners had opportunity to file a reply to the said notice and contest the proceedings before the said Court.

4. This Court is of the opinion that this petition is premature in as much as the petitioners have only received notice and contents of the said notice itself shows that the petitioners had opportunity to contest the proceedings before the said Court.

5. In that view of the matter, this Court is not inclined to entertain this petition hence, the same stands rejected.

(S.S. SHINDE, J.)