

Vidya Amin.

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

**CRIMINAL APPLICATION NO. 151 OF 2018  
IN  
WRIT PETITION No. 5025 OF 2017**

Advocate Vinod Matesan ... Applicant  
vs.  
The State of Maharashtra & Anr. ... Respondents

Mr. Vinod Natesan, applicant appears in person.  
Mr. Abhineet Pange a/w. Mr. Shriram P. I/b. Mr. Rahul S, Advocate  
for the petitioner in WP/5025/2017.  
Mr. Vinod Chate, APP for the respondent/State.

**CORAM: Mrs.MRIDULA BHATKAR, J.  
DATED: 2<sup>nd</sup> April, 2019**

**P.C. :**

This Application is moved by applicant, who is respondent No. 2 in Writ Petition No. 5025 of 2017 and complainant in Criminal Case No. 1498/SS/2015 which is pending on the file of Metropolitan Magistrate at Borivali under section 500 of Indian Penal Code. The applicant has prayed that he should be heard in this Writ Petition and the Petition should be dismissed in limine.

2. On perusal of record of Writ Petition No. 5025 of 2017, it is found that the Petition though was filed on 30<sup>th</sup> November, 2017, the matter has appeared on 4<sup>th</sup> April, 2018 and thereafter on 3<sup>rd</sup>

September, 2018 and then the matter did not appear. No order is passed in this Writ Petition. The criminal case is pending before the Metropolitan Magistrate. In absence of any order passed in this Writ Petition, the trial Court should have proceed with the matter.

3. As the applicant, i.e., respondent no. 2 is appearing in this Writ Petition, there is no necessity to issue notice to respondent no. 2 in Writ Petition no. 5025 of 2017. Similarly, there is no need to pass any order in Criminal Application No. 151 of 2018. Hence, Criminal Application is disposed of.

4. List the Writ Petition on 2<sup>nd</sup> July, 2019.

**(MRIDULA BHATKAR, J.)**