

Anand

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

CRIMINAL APPLICATION NO. 871 OF 2019

Simoco Telecommunications (South Asia) Limited .Applicants
& ors.

Vs.

The State of Maharashtra & anr. .Respondents

Mr. Sathyanarayanan, Advocate, for the Applicants
Mrs. P. P. Shinde, APP, for the Respondent No. 1 – State

CORAM : REVATI MOHITE DERE, J.

DATE : 20.11.2019

P. C.

. Heard learned counsel for the parties.

2. By this Application, the Applicants have impugned the order of issue process dated 22.12.2014 passed by the learned Metropolitan Magistrate, 58th Court, Bandra, Mumbai in Criminal Case No. 2842 / SS / 2015.

3. Learned counsel for the Applicants states that the order of issue process dated 22.12.2014 was received by the Applicants only on 05.02.2019.

4. It is not in dispute that the Applicants have directly

approached this Court without filing a Revision Application before the appropriate authority i. e. the Sessions Court.

5. In view of the aforesaid, learned counsel for the Applicants seeks leave to withdraw the Application with liberty to file an appropriate Application before the Sessions Court challenging the order of issue process. Accordingly, the Application is disposed of as withdrawn with liberty as prayed. If a Revision Application alongwith an Application for condonation of delay is filed by the Applicants, the learned Judge to consider the delay application, keeping in mind the pendency of the aforesaid Application in this Court. It is made clear that this Application has not been heard on merits.

6. The Application is disposed of on the aforesaid terms.

(REVATI MOHITE DERE, J.)