

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

CRIMINAL WRIT PETITION NO. 2100 OF 2021

Mohit Vijay Goyal

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Durgesh Jaiswal for Petitioner.

Mr.A.R. Patil, A.P.P. for Respondent No.1-State.

Mr.Vinit Mishra for Respondent No.2.

CORAM : A.S. GADKARI, J.

DATE : 2nd July 2021.

(Through Video Conferencing)

PC. :

By the present Petition, the Petitioner has impugned Order dated 20th January 2017 passed by the learned Metropolitan Magistrate, 44th Court, Andheri, Mumbai, below Exhibit-01 in C.C. No. 483/SS/2017 thereby issuing process against the Petitioner under Section 138 of the Negotiable Instruments Act and the Judgment and Order dated 31st March 2021 passed by the learned Additional Sessions Judge, Borivali Division, Dindoshi, Goregaon, Mumbai, in Criminal Revision Application No.264 of 2018, dismissing the said Revision and confirming the Order passed by the Trial Court of issuance of process.

2. Heard Mr.Jaiswal, learned counsel for the Petitioner, Mr.Patil, learned A.P.P. for Respondent No.1-State and Mr.Mishra, learned counsel for Respondent No.2.

3. Record indicates that, Mr.Chandan Ghosh, Authorized Representative of Respondent No.2 Columbia Petro Chem Pvt. Ltd., has filed an Affidavit-in-Reply dated 11th June 2021. In para No.6 of the said Affidavit-in-Reply, it is stated as under :-

“I say and submit that I have no objection if this Hon’ble Court allows the present Criminal Writ Petition against the Petitioner and dropped the Order of issuance of process dated 20.01.2017 passed by Ld. Metropolitan Magistrate Court at Andheri in C.C. No. 483/SS/2017 for offences u/s. 138, 141 of the Negotiable Instruments Act against petitioner i.e. Mr. Mohit Goyal.”

4. In view thereof, the Order dated 20th January 2017 passed by the learned Metropolitan Magistrate, 44th Court, Andheri, Mumbai, below Exhibit-01 in C.C. No. 483/SS/2017 and the Judgment and Order dated 31st March 2021 passed by the learned Additional Sessions Judge, Borivali Division, Dindoshi, Goregaon, Mumbai, in Criminal Revision Application No.264 of 2018 are hereby quashed and set-aside.

Petitioner (Org. A. No.5) is dropped from the array of accused persons from C.C. No. 483/SS/2017 pending on the file of learned Metropolitan Magistrate, 44th Court, Andheri, Mumbai.

5. Petition is allowed in the aforesaid terms.

[A.S. GADKARI, J.]