

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.1969 OF 2019

Ashok Anaji Wakchaure

... PETITIONER

VERSUS

Ashok Shivaji Mhaske

... RESPONDENT

.....
Mr. S.S. Pidgeward, Advocate holding for
Mr. N.L. Choudhari, Advocate for petitioner
.....

CORAM : R. G. AVACHAT, J.

DATE : 9th FEBRUARY, 2022

PER COURT :

Heard. The challenge in this petition is to the order dated 21/8/2019, passed by Additional Chief Judicial Magistrate, Sangamner in S.C.C. No.329/2016, rejecting the application of the petitioner/ accused for recall of the order of issuance of process under Section 138 of the Negotiable Instruments Act.

2. It is now well settled legal proposition that in a summary case i.e. in a case of offence triable as a summons case, the Court taking cognizance of the offence has no jurisdiction to recall the very order. As such, in view of this Court, there is no substance in the petition. The same is, therefore, dismissed.

**(R. G. AVACHAT)
JUDGE**

fmp/-