

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

WRIT PETITION NO. 417 OF 2021

Tinaz Behram Nooshian (Editor)
and Anr. ...Petitioners

vs.

Shree Chandulal Nanavati Vinaymandir
Vallabhbhai an Educational
Institution and Anr. ...Respondents

**WITH
INTERIM APPLICATION NO. 351 OF 2021
IN**

WRIT PETITION NO. 417 OF 2021

Tinaz Behram Nooshian (Editor)
and Anr. ...Applicants

vs.

Shree Chandulal Nanavati Vinaymandir
Vallabhbhai an Educational
Institution and Anr. ...Respondents

Ms. Padmashila Tadke a/w Ms. Sonali Bhosale i/by Expert Jurist LLP -
Advocate for the Petitioners

Mr. K. V. Saste - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 13th APRIL, 2022

P. C. :-

. The Petitioners have received the summons from the Court of Metropolitan Magistrate Mumbai for the offence under Section 499 read with 500 and 501 of the Indian Penal Code. The copy of the summons is filed at page no. 43-A. The copy of the Order issuing summons is not filed along with the Petition. This summons is issued on the basis of the complaint lodged by the present Respondent No. 1.

2. The Petitioners want to set aside that Order of issuance of summons and the proceedings. When query is made to the learned counsel for the Petitioner as to whether they have challenged the Order by filing the revision they have answered in negative. They seek liberty to withdraw this Petition and to file revision before the court of additional sessions Judge, Mumbai.

3. In view of the above facts, Petition stands disposed of as withdrawn.
The Petitioner is granted liberty to approach the Court of additional Sessions Judge, Mumbai by way of an appropriate proceedings. It is made clear that time consumed for the prosecuting this Writ Petition can be condoned by taking recourse to the provision of Section 14 of the Limitation Act. The Petitioners are at liberty to move necessary application before the Court of Additional Sessions Judge, Mumbai for condoning the delay.

4. It is also made clear that if such application is filed the same shall be decided as early as possible considering the limited issue involved in that.

5. Accordingly, the Petition is disposed of and Interim applications pending, if any, does not survive and stand disposed of.

(S. M. MODAK, J.)