

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.210 OF 2014.

Ram Mahaddev Chavan & Ors. .. Petitioners.

Versus

IFCI Limited & Anr. ..Respondents.

Mr. Uday S. Samudrala and Mr. Ramprakash Pandey for the Petitioners.
Mr. Vinod Kothari i/by M/s. Apex Law Partners for Respondent No.1.
Mrs. P. P. Shinde, APP for Respondent No.1-State.

CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.

DATE : APRIL 3, 2023.

P.C.:

1. By this petition, the petitioners seek quashing and setting aside of the impugned order dated 19th October 2013 passed by the Chief Metropolitan Magistrate, Esplanade Court, Mumbai in Case No. 133/SA/2013.

1 of 3

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2. At the outset, learned counsel appearing for the respondent No.1 raises a preliminary objection. He submits that the said petition is not maintainable and that the only option available to the petitioner is to adopt appropriate proceedings, as maintainable in law, before the Debts Recovery Tribunal.

3. In view of the preliminary objection raised by the respondent No.2, learned counsel for the petitioner seeks leave to withdraw the aforesaid writ petition with liberty to adopt appropriate proceedings before the DRT, as maintainable in law. Petition is disposed of as withdrawn with liberty as prayed.

4. We make it clear, that we have not heard the petition on merits and, as such, all contentions of all parties are kept open.

5. Since there is an interim relief operating in favour of the petitioner since 2014, we deem it appropriate to continue the same only for a period of two weeks to enable the petitioner to adopt appropriate proceeding before the appropriate authority.

6. Writ petition stands disposed of.
7. All concerned to act on the authenticated copy of this order.

[SHARMILA U. DESHMUKH, J.]

[REVATI MOHITE DERE, J.]