

VRJ

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

CRIMINAL APPLICATION NO.107 OF 2023

Machhindra Pandurang Kawale & Ors. ... Applicants

V/s.

Abhijeet Prabhakar Rane & Anr. ... Respondents

Mr. Kunal Rane for the applicants.

Mr. Rohit D. Joshi for the respondent No.1.

Mr. Arfan Sait, APP for the respondent No.2/State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 24, 2023

P.C.:

1. Limited challenge in this application is to the issuance of summons signed by the Superintendent of Chief Judicial Magistrate, Alibag District Raigad. According to the applicant, without delivering order of issuance of process, said summons has been issued. The learned advocate for the respondent No.1 does not dispute this fact. Therefore, in my opinion, petition can be disposed of by directing the Chief Judicial Magistrate, Alibag to consider as to whether process should be issued or not. The learned Magistrate shall pass appropriate orders in accordance with law.

2. The criminal application stands disposed of. No costs.

3. The summons annexed to Exhibit-C collectively is quashed and set aside.

(AMIT BORKAR, J.)