

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

CRIMINAL WRIT PETITION NO. 2772 OF 2023

Rakesh Rajpal

..Petitioner

Versus

HDFC Bank Limited & Anr.

..Respondents

Mr. Karan Singh Rajput i/b. Mr. Fauzan Shaikh for Petitioner.
Mr. Arfan Sait, APP for State/Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 9 AUGUST 2023

PC :

1. Learned counsel for the petitioner states that, he has directly approached this Court challenging the order of issuance of process without going to the Court of Sessions. He submitted that, since Bailable Warrant is issued against him, he had to rush to the Hon'ble High Court. Learned counsel submitted that, he may be granted liberty to approach the Court of sessions by filing a criminal revision application and in case a question of limitation arises, the Sessions Court be directed to consider the fact that the petitioner was pursuing this remedy before this Court. He also submitted that, as of today, bailable warrant is pending against the present petitioner; that may be stayed for a period of three weeks

from today. The request is reasonable. The contentions raised by the petitioner can be left open.

2. Hence, the following order:

O R D E R

- i) The petition is allowed to be withdrawn with liberty to the petitioner to approach the Court of Sessions by filing a Criminal revision application challenging the order of issuance of process.
- ii) If the question of limitation arises, the Sessions Court shall take into consideration the fact that the present petition was being pursued by the petitioner before this Court.
- iii) The criminal revision application, if filed, shall be decided in accordance with law.
- iv) To enable the petitioner to approach the Court of Sessions, bailable warrant issued against the petitioner is stayed for a period of three weeks from today.
- v) With this observation, the petition is disposed of.

(SARANG V. KOTWAL, J.)