

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

CRIMINAL WRIT PETITION NO. 732 OF 2023

Adil Abdulhuq Kathawala	... Petitioner
v/s.	
The State of Maharashtra and anr.	 Respondents

Mr. Prashant Pandey a/w. Mr. Dinesh Jadhvani
i/b. Krishna Kadam for the Petitioner.
Mr. R.M. Pethe, APP for the State.
Mr. Harish Pandya i/b. Darshika Vasani a/w. Mr. Raju Gupta
Mr. Mukesh Gupta, Ms. Neelam Yadav and Mr. Vijay Gaikwad
for Respondent No.2.
Mr. Anil Shinkar, PSI, Nerul Police Station, Navi Mumbai.

CORAM: R.G. AVACHAT, J.

DATED : 01st MARCH, 2023.

P. C. :-

. Heard.

2. The order impugned herein has been passed against the Petitioner without hearing him. He was not a party before the learned Magistrate when the order has been passed against him. In view of the same, the order impugned herein is hereby set-aside. The matter is remanded to the Court of learned Judicial Magistrate, First Class, Belapur. The Petitioner shall appear before the learned Magistrate and make his submissions. The learned Magistrate is expected to pass the orders after hearing all the concerned parties involved in the matter.

Orders are expected to be passed within a period of three weeks from today. Parties to appear before the court concerned on 09/03/2023.

3. Writ Petition stands disposed of in above terms.
4. Parties to act on an authenticated copy of this order.

PREETI
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JAYANI

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by PREETI H
JAYANI
Date: 2023.03.03
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(R.G. AVACHAT, J.)