

Ghuge

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

WRIT PETITION NO.1602 OF 2023

Badshah Majid Malik ... Petitioner
V/s.
The Directorate of Revenue Intelligence,
Mumbai Zonal Unit & Ors. ... Respondents

Mr. Deepak Singh for the petitioner.

Mr. A.R. Patil, APP for the State.

CORAM : AMIT BORKAR, J.

DATED : APRIL 28, 2023

P.C.:

1. The petitioner is challenging complaint Case No.155/SW/2017 in case No. RA/401/2015 filed against the petitioner for the offence punishable under Sections 132, 135(1) (a)(ii) and 135(1)(b)(ii) read with Section 140 of the Customs Act, 1962.

2. Undisputedly, the Magistrate has not issued process against the petitioner. In absence of order of issuance of process, petitioner cannot be termed as accused. If the petitioner is not accused, he has no right to challenge the complaint filed against him.

3. Hence, there is no merit in the petition, the Writ Petition stands dismissed. No costs.

(AMIT BORKAR, J.)