

Ghuge

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

WRIT PETITION NO.1372 OF 2023

Jayant Ratilal Katira

... Petitioner

V/s.

State of Maharashtra and Ors

... Respondents

Ms. Devyani Katira for the petitioner.

Mr. Arfan Sait, APP for the State.

CORAM : AMIT BORKAR, J.

DATED : APRIL 20, 2023

P.C.:

1. Challenge in this petition is to the order passed by the revisional Court setting aside the order passed by the Magistrate in exercise of power under Section 143-A of the Negotiable Instruments Act, 1881.

2. The Sessions Court allowed the revision holding that the Magistrate had no power to entertain application under Section 143-A of the Negotiable Instruments Act, 1881 before recording of plea, the view adopted by the Additional Sessions Judge cannot be termed as perverse. However, since the Magistrate has now recorded the plea. The complainant is entitled to file fresh application under Section 143-A of the Negotiable Instruments Act, 1881, if such application is filed by the complainant, the Magistrate shall decide such application in accordance with law on its own merit within the period of eight weeks from the date of

filing of application under Section 143-A of the Negotiable Instruments Act, 1881.

3. The writ petition stands disposed of in the above terms. No costs.

(AMIT BORKAR, J.)