

Nikita

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

WRIT PETITION NO.2033 OF 2022

Ravi Rajendra Prasad Inani and Ors ... Petitioners
V/s.
The State of Maharashtra and Anr ... Respondents

Mr. Vijay Jha i/b Law Juris for the Petitioners.

Mr. M. Kocharekar for Respondent No.2.

Mr. M.G. Patil, APP for the State.

CORAM : AMIT BORKAR, J.

DATED : APRIL 19, 2023

P.C.:

1. The challenge in this petition is to the order dated 22nd December 2021, issued process against the accused who are residing outside the territorial jurisdiction of the learned Magistrate. Undisputedly, the inquiry under Section 202 has not been held. Hence, the order of issuance of process cannot be sustained. I therefore pass following order.

2. The impugned order dated 22nd December 2021, passed by Judicial Magistrate First Class, Court No.7th, Bhiwandi in OMA No.1655 of 2021, is quashed and set aside. The proceedings are remitted back to the Magistrate for holding inquiry under Section 202 of the Code of Criminal Procedure, 1973. After holding inquiry under Section 202, the Magistrate shall pass order in accordance with law.

3. The writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)