

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

CRIMINAL WRIT PETITION NO.2673 OF 2023

Rajkumari Santosh Gupta
and others

.....Petitioners

Versus

Ramyash Mahavir Dubey
and another

.... Respondents

Mr. Ganesh Bhujbal, Advocate for the Petitioners.

Mr. J.A. Udaipuri, Advocate a/w. Sofia Udaipuri i/b.
Udaipuri & Co. for the Respondent No.1.

Mr. Arfan Sait, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 03rd AUGUST, 2023

P.C. :

1. In this Petition, the Petitioners have challenged the order of issuance of process dated 26.12.2018 passed by the Metropolitan Magistrate, 12th Court, Bandra, Mumbai in C.C. No.410/SW/2015.

2. Learned counsel for the Respondent No.1 pointed out that during pendency of this Petition, the trial has progressed and the evidence of the complainant has already started. Therefore, he submitted that at this stage,

the Court should not set aside the impugned order of issuance of process.

3. The subject matter of the complaint is the alleged forged Deed of Assignment dated 19.9.2006 which the Petitioners-accused used for their own benefit thereby causing loss to the complainant.

4. Since the evidence of the complainant has already begun, the Petitioners-accused shall have the right to cross-examine the complainant at the stage of evidence before charge. Therefore, at this stage, I am not inclined to interfere with the order of issuance of process because the trial has progressed further.

5. All contentions raised by the parties can be considered at the stage of framing of the charge by the learned trial Magistrate after the evidence before charge is led.

6. In view of this, I am not inclined to entertain this Petition at this stage and it is accordingly dismissed.

(SARANG V. KOTWAL, J.)

PRADIPKUMAR
PRAKASHRAO
DESHMANE

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