

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

WRIT PETITION NO. 5199 OF 2022

M/s Dewdrop Impex (P) Ltd. ... Petitioner.
Vs.
Dharamdas Talreja & Anr. ... Respondents.
...
None for Petitioner.
Mr AA Palkar, APP for State.

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Coram: R.N.Laddha, J.
Date : 25 August, 2023.

....

P.C.:

Despite being called for a second time, none present for the Petitioner.

2. I have reviewed the records with the assistance of the learned APP.

3. This writ petition is filed for setting aside order dated 16.7.2022 passed by the learned Ad-hoc Additional Sessions Judge, Mumbai, in Criminal Revision Application No.657 of 2022.

4. This Petition is preferred on the premise that the order to issue process passed by the learned Metropolitan Magistrate, 56th Court, Mazgaon, Mumbai, in CC No.5602251/SC/2022 was overturned by an impugned order. However, upon reviewing impugned order, it is revealed that the Ad-hoc Sessions Judge did

not set aside the order to issue process and simply issued a notice to the petitioner herein and adjourned the matter for reply. For convenience, the order dated 16 July 2022, is reproduced below;

“A.P.P. Mr.R.A.Mahakal for State present.

Adv Mrs Kanani for applicant present.

None for respondent.

Perused revision application. Heard advocate for the applicant. The trial court has issued process against all accused. I have gone through the copy of complaint and order passed by Ld Metropolitan Magistrate. It reveals from the record that the complainant is a proprietary firm. The accused no.2 in the said complaint is the signatory of the cheque and also look after their day to day business of the firm. At this prima facie stage, there is substance in revision application. Therefore, the Ld Trial Court is directed not to proceed against applicant/accused no.3 till next date.

Issue notice to the respondent; returnable on 29.08.2022.

Authenticated copy of the Roznama be given to the applicant.

Adjd. to 29/08/2022 for reply.”

5. In view of this, the petition stands dismissed. It goes without saying that if necessary, the Petitioner is free to seek legal redress for his grievances, if occasion so arises.

[R.N.Laddha, J.]