

WRIT PETITION NO. 5214 OF 2022

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Date : 25 August, 2023.

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Even on the second call, none appears for the Petitioner.

4. This Petition was preferred on the premise that order to issue

process passed by the learned Metropolitan Magistrate, 56th Court, Mazgaon, Mumbai, in CC No.5602245/SC/2022, was overturned by an impugned order. However, upon reviewing the impugned order, it is revealed that the Ad-hoc Sessions Judge did not set aside the order to issue process. The learned Sessions Judge simply issued notice to this Petitioner (Respondent therein) and adjourned the matter for reply. For the sake of 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. Needless to say, the petitioner is at liberty to seek redressal of his grievance in

accordance with the law, if the occasion so arises.

[R.N.Laddha, J.]