

VRJ

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

WRIT PETITION NO.3693 OF 2015

Shriram S. Redij ... Petitioner

V/s.

Rajesh Darshanlal Bindra & Ors. ... Respondents

Mr. Sanjeev P. Kadam with Mr. Kishor Patil and Mr.
Prashant Raul i/by Mr. S.B. Shetye for the petitioner.

Mr. Prasad Pathare for respondent no.1.

Mr. Arfan Sait, APP for respondent no.2/State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 24, 2023

P.C.:

- 1. Rule.** Rule is made returnable forthwith.
- 2.** The petitioner who is practicing advocate is challenging order of issuance of process by Magistrate in a complaint alleging that petitioner defamed the complainant by drafting revision application under the provisions of the Maharashtra Cooperative Societies Act, 1960 before the State Government containing defamatory statement against the complainant. In paragraph 8 it has been alleged that the petitioner drafted revision application though he was well aware about the consequences of contents and did not act in good faith. It is alleged that the petitioner pleaded points which are false, totally irrelevant, wide and baseless

allegations.

3. The learned Additional Chief Metropolitan Magistrate, Esplanade Court by order dated 4th February 2011, called for report from concerned police station under section 202 of the Code of Criminal Procedure, 1973. By order dated 27th July 2015, Additional Chief Metropolitan Magistrate, Esplanade Court issued process against the petitioner and others for offences under section 500 read with 34 of the Indian Penal Code, 1860. Aggrieved thereby, the petitioner has filed present petition.

4. Co-ordinate bench of this Court in Criminal Application No.1106 of 2015 by order dated 9th February 2023, set aside order of issuance of process in a complaint filed by the present complainant against present petitioner in relation to filing of appeal before Consumer Dispute Redressal Commission, Maharashtra.

5. For the reasons stated in paragraph 5 of order dated 9th February 2023 in Criminal Application No.1106 of 2015 present writ petition deserves to be allowed.

6. Rule is made absolute in terms of prayer clause (b) and (c).

(AMIT BORKAR, J.)