

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

CRIMINAL WRIT PETITION NO. 4567 OF 2022

ICICI Bank Limited & Ors. ... Petitioners
Versus
State of Maharashtra & Anr. ... Respondents

Mr. Faisal Sayyed a/w Santosh Budhwani i/by M/s. M. K. Ambalal
& Co. for the Petitioners.

Mr. H. J. Dedhia, APP for the Respondent No.1-State.

Mr. Amardev Uniyal for the Respondent No.2.

CORAM: R. N. LADDHA, J.

DATE : 31 AUGUST 2023

P.C. :-

. Heard learned counsel for the parties.

2. The complainant, who is respondent No.2 herein, filed a Criminal Complaint bearing C.C.No.4072/SS/2020 with the Metropolitan Magistrate, 16th Court at Ballard Estate, Mumbai.

3. On 8 October 2020, the learned Magistrate issued an order which reads thus:

‘Issue summons to all Accused.’

4. It is not in dispute that Section 204 of the Code of Criminal Procedure, 1973 does not mandate the Magistrate to state the

reasons for issuance of summons explicitly. However, in the present case, the impugned order shows complete non-application of mind by the Magistrate. In the most cryptic manner, he stated to issue summons without considering the contents of the complaint. He did not even bother saying that he had gone through the complaint.

5. In view of this, we quash and set aside the impugned order and request the Magistrate to pass a fresh order.

6. Needless to clarify, this Court has not examined the merits of the case, and the contentions of the respective parties are kept open. It goes without saying that if necessary, the petitioners are free to seek legal remedies for their grievance if the occasion so arises.

7. Accordingly, the petition stands disposed of.

R. N. LADDHA, J.