

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

CRIMINAL APPLICATION NO. 104 OF 2024

Sumitomo Chemical India Ltd. through
its Manager Mr. Anil Khandagale and Anr. ..Applicants
Vs.

State of Maharashtra and Anr. ..Respondents

**WITH
CRIMINAL APPLICATION NO. 257 OF 2024**

Dhanaji Gopal Gage and Anr. ..Applicants
Vs.

State of Maharashtra and Anr. ..Respondents

Mr. G. I. Sodhi a/w. Mr. Ramprakash Pandey, for the Applicants
in both applications.

Ms. Shilpa Talhar a/w. Mr. Ashok Gawai, APP for the
Respondent – State.

**CORAM : R. N. LADDHA, J.
DATE : 3 APRIL 2024**

P.C.

. Heard learned counsel for the applicant and the learned
APP.

2. Mr. G. I. Sodhi, learned counsel for the applicants has
drawn my attention to the impugned order of process issuance in
both these applications. He contends that the order lacks clarity

and reasoning.

3. Upon reviewing the order, it becomes evident that the learned Magistrate has not provided any rationale for issuing it. Such an approach does not align with the appropriate exercise of judicial discretion. The Magistrate must demonstrate thoughtful consideration by indicating the reasons behind issuing process against the accused. Therefore, the orders for process issuance in these applications should be quashed and set aside. However, it is essential to recognize that if the Magistrate failed in their duty, the complainant should not bear any consequences due to this lapse. Consequently, the impugned order is quashed and set aside and the learned Magistrate is directed to pass the reasoned order afresh in the cases pending before him after evaluating the matter independently, adhering to the legal principles. The applications, as such, stand disposed of. As a sequel, pending applications also disposed of.

4. It goes without saying that, if required, the applicants have liberty to pursue legal remedies for their grievances, if the need arises. It is made clear that this Court has not examined the merits of the cases.

R. N. LADDHA, J.