



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO. 613 OF 2024

Ajay S/o. Laxman Dhanwe

Vs.

Jana Small Finance Bank Limited, Kolkata

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.R. Vyas, Advocate with Mr. R.P. Kothari, Advocate for the Petitioner.

CORAM : G. A. SANAP, J.

DATED : 12th AUGUST, 2024.

. Heard learned advocate for the petitioner. Perused the record and proceedings.

2. In this criminal writ petition, the petitioner, who is arrayed as an accused in a complaint filed in the Court of 19th Metropolitan Magistrate, Calcutta under Section 25 of the Payment and Settlement Systems Act, 2007 (for short “the Act of 2007”), has challenged the order dated 10.05.2024, passed by the learned 19th Metropolitan Magistrate, Calcutta, whereby the learned Metropolitan Magistrate is pleased to issue the process against the petitioner for the offence punishable under Section 25 of the Act of 2007.

3. It is the grievance of the petitioner that the order of issuance of process was passed without application of mind. The learned Metropolitan Magistrate has not recorded reasons. It is stated that since the agreement in question took place at Pawnar, District Wardha, the part of cause of action has arisen within the territorial jurisdiction of this High Court. It is

submitted by the learned advocate for the petitioner that, under Article 226(2) of the Constitution of India, this petition is maintainable before this Court. In order to seek support to his submission, learned advocate has relied upon a decision in the case of *Navinchandra N. Majithia Vs. State of Maharashtra and Others [(2000) 7 SCC 640]*.

4. I have perused the impugned order, the agreement between the parties and the facts set out in the complaint, which have given rise to the filing of the complaint. In view of the facts and circumstances, I proceed to pass following order:

ORDER

i] Issue notice to the respondent, returnable within six weeks.

ii] In the meantime, there shall be stay to the proceeding bearing C.S. No.61270/2024, pending before the learned 19th Metropolitan Magistrate, Calcutta, till next date.

(G. A. SANAP, J.)

Vijay