



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 274 OF 2020

MOHD. ARSHAD SHAIKH

VERSUS

GAURAV TRADING COMPANY THROUGH ITS
DIRECTOR, GAURAV JAIPRAKASH BIHANI AND OTHERS

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Shri Yadnyesh V. Dharmadhikari, Advocate h/f Shri Gaikwad
Pramod S., Advocate for the Applicant.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 19 November 2025

P. C. :-

1. Heard.
2. When the instant application was listed on 12.11.2025, this Court granted two weeks time, by way of last chance, to learned advocate for the applicant to make his submission. It was observed that this matter was filed in the year 2020 and it was never circulated and when it was listed for the first time on 12.11.2025, learned advocate sought time.
3. The applicant is challenging the order of issuance of process against him in the proceedings bearing SCC

No.501/2017 filed by respondent No.1. under Section 138 of the Negotiable Instruments Act. The said order dated 26.05.2017 was challenged by the accused persons including the present applicant in revision before learned Sessions Judge, Parbhani, vide Criminal Revision No.11/2018. Learned Sessions Judge vide order dated 11.06.2018 was pleased to dismiss the said revision application. Being aggrieved by this order, the applicant has preferred the instant application and he also seeks to challenge the main proceedings under Section 138.

4. The proceedings under Section 138 are filed in the year 2017 and the instant application is filed in the year 2020 challenging the said proceedings. There is no stay granted by this Court and as stated earlier, the application was never circulated and listed for hearing. During all these years, substantial development has taken place in the proceedings before the Trial Court and the proceedings have proceeded far ahead and same are kept for evidence of defence side. Moreover, the applicant is not at all vigilant and alert in the proceedings. As such, this Court cannot come to his aid, who is sleeping over his rights. In that view of the matter, I am not inclined to entertain this

application.

5. In view of the above, this Criminal Application is dismissed. However, in the event, the applicant is aggrieved by any further order, he is at liberty to take recourse to appropriate proceedings.

kps

(SUSHIL M. GHODESWAR, J.)