



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.99 OF 2025

ASHWINI D/O KAILAS PATIL
VERSUS
INDIAN OVERSEAS BANK, THROUGH ITS AUTHORIZED OFFICER

...
Mr. S.S. Thombre Advocate for Petitioner.
Ms. P.R. Bharaswadkar, A.P.P. for State.

...
CORAM: SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.

DATE : 28th JANUARY, 2025

ORDER :

1. Not on Board. Taken on Board, upon mentioning.
2. Learned Advocate for the petitioner has vehemently submitted that the impugned order dated 22nd November 2024 is passed by the learned 3rd Additional Chief Judicial Magistrate, Aurangabad below Exhibit-1 in Criminal Misc. Application No.3138 of 2024, however the matter is arising out of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the Securitisation Act") and therefore, Section 14 of the

Securitisation Act, does not empower the learned Chief Judicial Magistrate to take up any proceedings under the said Enactment.

3. The point is already answered in the *Authorized Officer, Indian Bank vs. D. Visalakshi and others, Manu/SC/1303/2019 : AIR 2019 SC4619*, wherein it has been held that learned Chief Judicial Magistrate is equally competent to deal with the application moved by the secured creditor under Section 14 of Securitisation Act. In view of the same, the writ petition needs to be dismissed at the threshold. Accordingly, the Writ Petition stands dismissed.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/JAN25