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

21 CRIMINAL WRIT PETITION NO. 559 OF 2025

AJEET JAGDISH ARODA

....Petitioner

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

.....Respondents

Mr. Shyam C. Arora, Advocate for the petitioner

Mrs. M. N. Ghanekar, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 16th JUNE, 2025

P. C.

1. Heard the learned advocate for the petitioner and learned APP for the respondents/State.

2. Though the other respondents are served, none appeared.

3. It is the case of the petitioner that he has filed case for the offence punishable under Sections 138 of the Negotiable Instruments Act against respondent Nos. 2,3 and 4. In the said

case several notices issued. Initially they were served. However, thereafter they had undertaken to appear. There is report to that effect dated 19-12-2024 submitted by the Assistant Police Inspector. However, they did not appear in response to any notice issued thereafter. They could not be served with a report that they are not residing on the given address. The petitioner thereafter filed an application for issuance of warrant. Even the warrants were issued from time to time. However, could not be executed. The petitioner filed an application for proclamation for issuance of proclamation that accused Nos. 2 and 3 are absconding and for appearance. Said application came to be rejected by order dated 18-02-2025 by the learned JMFC, Aurangabad stating thatailable warrant is still unserved as the address is wrong and therefore, it is necessary for the complainant to take steps to serve the accused persons.

4. Mr. Arora, learned advocate for the petitioner submits that in fact on the address given the accused were served and there is report to that effect dated 19-12-2024.

Subsequent warrant those could not be executed are only because of mischief of accused persons. This is a fit case to issue such proclamation to secure the presence of accused persons. He further submits that in this petition also initially notices were served. Now there is a report from the Police Inspector, MIDC, CIDCO that notices are served through whatsapp. Even now they are not appearing before this court as well. He, thus, submits that this is a fit case to quash and set aside the order passed by the learned JMFC and to direct to issue proclamation.

5. The learned APP informs that now on whatsapp notices are served and submits that appropriate order be passed.

6. From the facts stated above, there appears to be substance. The petition is therefore allowed.

7. The impugned order/s is/are quashed and set aside. The learned JMFC, Aurangabad to issue proclamation in Summons Case No. 1071/2023.

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8. With this, the petition stands disposed off.

[KISHORE C. SANT, J.]

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