



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

937 CRIMINAL APPLICATION NO. 3956 OF 2025

DIGAMBAR ANANDRAO PINGLE AND ANOTHER
VERSUS
THE SWAMI SUPPLIERS EARTH MOVERS THROUGH PROPRIETOR
SUNIL RAMDAS DAATE AND OTHERS

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938 CRIMINAL APPLICATION NO. 3957 OF 2025

DIGAMBAR ANANDRAO PINGLE AND ANOTHER
VERSUS
THE SWAMI SUPPLIERS EARTH MOVERS THROUGH PROPRIETOR
SUNIL RAMDAS DAATE AND OTHERS

...

939 CRIMINAL APPLICATION NO. 3960 OF 2025

DIGAMBAR ANANDRAO PINGLE AND ANOTHER
VERSUS
THE SWAMI SUPPLIERS EARTH MOVERS THROUGH PROPRIETOR
SUNIL RAMDAS DAATE AND OTHERS

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Advocate for Applicants : Mr. Tushar C. Shinde

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 16-10-2025

PER COURT:-

1. Since the identical issue is involved in these applications, the applications are taken up together for hearing finally at the admission stage.

2. The applicants/accused have presented these applications for challenging the orders of issuance of process dated 13.08.2018 for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 ("N.I.Act", for short), rendered by the learned Judicial Magistrate First Class, Ahmednagar, in proceedings bearing S.C.C. No. 3891/2018, 3892/2018 and 3893/2018, respectively.

3. Learned counsel for the applicants submits that as under:

- (i) The issue process orders are in a set proforma and the same, suffer from non-application of mind and for want of sufficient reasons, same deserves to be quashed.
- (ii) The applicants were not the directors of the company at the relevant time.
- (iii) Therefore, the continuation of the criminal proceedings against the applicants would amount to abuse of the process of law. Hence, prayed to allow the applications.

4. Having considered the contentions put forth by the learned counsel for the applicants, I have perused the complaints and orders under challenge as well as the documents placed on record.

5. The learned Judicial Magistrate, upon verification of the complainant and inquiry under Section 202(1) of Code of Criminal Procedure ("Cr.P.C."), recorded that the complainant has made out

a *prima facie* case so as to proceed against the accused under Section 138 of the N.I.Act. Accordingly, passed the order of issue process.

6. At this juncture, it would be appropriate to consider the observations of the Honourable Apex Court, in the case of ***Smt. Nagava vs. Viranna Konjalgi and others (1976) 3 SCC 736***, which forbear the Revisional Court as well as this Court to substitute the discretion exercised by the learned Magistrate, in relation to order of issue process.

7. Equally, in the case of ***Dushyant Kumar vs. State (NCP of Delhi), 2012(2) SCC (Cri) 872***, and in the case of ***Nupur Talwar vs. CBI and others, AIR 2012 SC 1921***, the Honourable Apex Court has reiterated the legal position that the learned Magistrate need not pass a detailed order at the stage of issuing process against the accused if satisfied that there are adequate grounds to initiate the proceedings, provided the order is well reasoned one.

8. In the light of the aforesaid principles, the attempt of the applicants to dispute the documents on their role and responsibility of in the alleged incident, does not warrant any consideration by this Court. As it would amount to conducting a mini trial.

9. It is pertinent to note that the order of issuance of process dated 13.08.2018, whereas the present applications are presented

in the year 2025. In the meantime, the trial court has proceeded further. Therefore, I am of the considered view that no interference is warranted at this belated juncture. As such, no error is noted in the orders under challenge.

11. The applications are devoid of merit. The same do not warrant consideration by this Court. Resultantly, criminal applications stand dismissed.

[SACHIN S. DESHMUKH]
JUDGE

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