



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

946 CRIMINAL WRIT PETITION NO. 498 OF 2025

VAIJAYANTA RAMLING KATURE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Devakate Anant Ramahari, Advocate for the Petitioners

Mrs. Ashlesha S. Deshmukh, APP for Respondent/State

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 22ND APRIL, 2025

P.C.:

1. Leave to correct prayer clause (b) is granted. Amendment be carried out within one week from today.
2. Petitioners are assailing entire proceedings of RCC No.422 of 2023 pending before the learned Judicial Magistrate First Class, Osmanabad as well as order of issuance of process passed on 12.10.2023 or 26.10.2023.
3. Learned counsel for the petitioner submits that no order of issuance of process was ever passed on 12.10.2023, only Roznama reflects passing of the order on 12.10.2023. Another order which is endorsed on the application of issuance of process is of 26.10.2023. *Prima facie* both the orders are unreasoned and unsustainable. It is trite law that issuance of process is not an empty formality.
4. In view of judgment of Supreme Court in the matter of *Lalankumar Singh & Ors. Vs. State of Maharashtra*¹, *JM Laboratories*

¹ 2022 SCC online SC 1383

*and Others Vs. State of Andhra Pradesh and Another*², I am inclined to grant ad-interim relief.

5. Issue notice for final disposal, returnable on 17.06.2025. Learned APP waives service of notice for respondent no.1.

6. There shall be ad-interim relief in terms of prayer clause (C).

[SHAILESH P. BRAHME, J.]

Narwade/