

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Cri.Writ Petition No.577 of 2025

Bhargav Patel & Ors. Petitioners.

Vs.

Tushar M Sonigra & Anr. Respondents.

Mr Yashpal M Thakur, for the petitioners.

Mr VN Sagare, APP for respondent/State.

Mr Chaitanya Pendse a/w Shivamsinh Deshmukh for
respondent No.1.

PC Prakash Mane, Shahupuri Police Station.

Coram : R.N.Laddha, J.

Date :18 February 2025.

P.C. :

The learned Counsel for the petitioners submits that, by an order dated 04.09.2023, this Court set aside the issuance of process order dated 26.05.2022 and remanded the matter to the trial Court, directing the Magistrate to record the complainant's verification as per Section 200 of the Code of Criminal Procedure, 1973 (CrPC). However, instead of recording the verification statement as required u/s 200 CrPC, the learned Magistrate recorded the complainant's evidence and exhibited the documents.

2. Learned Counsel for the respondent also concedes this position.

3. In light of the above, issuance of process order in CC No.258/SW/22, dated 03.07.2024, passed by the Judicial Magistrate First Class, 65 Court, Andheri, Mumbai, is set aside and the learned Magistrate is directed to record the complainant's verification statement strictly in accordance with Section 200 CrPC. After following the procedure prescribed u/s 200 CrPC, the learned Magistrate shall proceed to decide the complaint in accordance with the law and expedite the hearing of the case. The petition stands disposed of.

[R. N. Laddha,J.]