

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

Writ Petition No.2249 of 2024

Narahar Bhole Prabhu

Age 74 years, Occ: Doctor

R/a Flat No.7, Gurudas Smriti

2nd floor, Gopal Nagar Lane No.2,

Dombivali (E)

... Petitioner.

Versus

The State of Maharashtra

through Bajarpeth Police Station

Kalyan (W), Pin-421301

... Respondent

Mr Sagar Joshi, Advocate for the petitioner.

Mr Arfan Sait, APP for the respondent/State.

PSI Shrikant Chavan Bajarpeth Police Station, Thane.

Coram : R.N.Laddha, J.

Date : 13 March 2025.

P.C. :

Mr Sagar Joshi, the learned Counsel for the petitioner, has brought to my notice the order dated 6 February 2024, passed by the Judicial Magistrate First Class, 4th Court, Kalyan, below Exhibit 17 in CC No.635 of 2017 (the impugned order), and contends that the order lacks clarity and reasoning.

2. The order reads thus :
“Issue notice to accused to produce documents.”
3. Upon scrutinizing the order, it becomes apparent that the learned Magistrate has not provided any justification for its issuance. Such an approach deviates from the appropriate exercise of judicial discretion. The Magistrate must demonstrate thoughtful consideration by indicating the reasons behind passing the order. While the impugned order is indeed quashed and set aside, it is imperative to acknowledge that if the Magistrate failed in their duty, the complainant should not suffer any repercussions due to this lapse. As a result, the impugned order is quashed and set aside, and the learned Magistrate is directed to pass an order afresh in the case. The petition, as such, stand disposed of.
4. Undoubtedly, if necessary, the petitioner is at liberty to seek legal recourse for his grievance, if the need arises. It is made clear that this Court has not assessed the merits of the case, and the trial court will independently evaluate the matter, adhering to the legal principles.

[R. N. Laddha,J.]