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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 5904 OF 2024

Sharique Ahmad Mohammad Waris Momin ...Petitioner
Versus
State Of Maharashtra And Ors ...Respondents

Mr. Shrikant Rathi, for the Petitioner.

Mr. Prasanna P. Malshe, APP for Respondent – State.

Mr. Abhijit Patil i/b. F.N.Momin for Respondent Nos.2 & 3.

API Shivaji Patil, of Bhoiwada Police Station , Bhiwandi Present.

CORAM: AARTI SATHE, J.

DATE : 11th November 2025

P.C.

1. Today when the matter was called out for hearing, counsel on behalf of the Petitioner Mr. Rathi and Mr. Malshe, APP for the Respondent-State appeared. Mr. Abhijit Patil holding for Mr. F.N.Momin, on behalf of Respondent Nos.2 &3 submitted that Mr. Momin for Respondent No.2 and 3 is in personal difficulty and hence unable to make submissions on behalf of Respondent Nos.2 and 3.

2. It is clear from the earlier orders passed by this Court dated 9th June 2025 and 26th September 2025, that Respondent Nos.2 and 3 have failed to appear even on earlier occasions and on their request the matter stood adjourned from time to time. It is further seen from order dated 8th October 2025, passed by this Court, that this matter has been adjourned to 24th November 2025. Considering the request made on behalf of Mr. Abhijit Patil, holding for Mr. F. N.

Momin learned counsel appearing for Respondent Nos. 2 and 3, and noting that the matter was earlier directed to be listed on 24th November 2025, this Court as and by way of a last opportunity, adjourn the matter to **24th November 2025**.

3. It is made clear that in the event Respondent Nos. 2 and 3 fail to appear on the said date, the matter shall be heard and decided on its own merits and in their absence.

4. API Mr. Shivaji Patil of Bhoiwada Police Station, Bhiwandi, is present before the Court. Mr. Prasanna Malshe, APP for the State submits that considering that the present matter pertains to an application under Section 125 of the Code of Criminal Procedure, API Mr. Patil may be exempted from personal appearance in this matter.

5. API Mr. Shivaji Patil, Bhoiwada Police Station, Bhiwandi, is therefore exempted from appearing in this matter.

(AARTI SATHE, J.)