

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
APPLICATION NO. 400 OF 2024

Afzal Bismillah Khan ..Applicant
Versus
State of Maharashtra & Anr ...Respondents

Mr. Manoj Harit, with Niket Harit, i/b Manoj Harit & Co, for the
Applicant
Mr. Kiran Shinde, APP, for the Respondent-State.
Mr. Mahesh Devani, for the Respondent.

CORAM: N. J. JAMADAR, J.
DATE : 9th OCTOBER 2025

P.C.:

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 4th November 2023, passed by the learned Sessions Judge, City Civil Court, Greater Bombay, whereby an order dated 16th May 2023 passed by the learned Magistrate, Kurla, rejecting the Application filed by the Complainant under Section 143 A of the Negotiable Instruments Act, 1881, came to be set aside and the matter was remanded back to the learned Magistrate for afresh determination after considering the aspects discussed in the said order.

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3. The Court is informed that, after the remand of the Application (Exhibit “7”) for afresh determination, the learned Magistrate has passed an order on 24th February 2025.

4. In view of the aforesaid developments, the challenge to the impugned order does not survive.

5. The learned Counsel for the Applicant submitted that, the observations in the impugned order, in the light of which, the learned Magistrate was directed to decide the Application afresh, are against the settled principles of law.

6. In the event, the Applicant assails the order passed by the learned Magistrate dated 24th February 2025 in an appropriate proceeding before the Court of Sessions, it would be open for the Applicant to urge that the observations in the impugned order are against the settled principles of law.

7. Subject to the aforesaid clarifications, the Application stands disposed.

[N. J. JAMADAR, J.]