

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 618 OF 2025

Hemang Shah ...Petitioner

Versus

State of Maharashtra and anr. ...Respondents

WITH

WRIT PETITION NO. 643 OF 2025

Rikhav Shah and anr. ...Petitioners

Versus

State of Maharashtra and anr. ...Respondents

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Ms. Anita Irani, a/w Rahul Agrwal, Ms. Kiran Yadav, i/b
Kshitija Wadatkarn and Associates, for the Petitioner in
WP/618/2025.

Mr. Rajiv Patil, Senior Advocate, a/w Rahul Agrwal and Ms.
Kiran Yadav, i/b Kshitija Wadatkarn and Associates, for
the Petitioners in WP/643/2025.

Mr. Kushal Mor, for Respondent No.2 in WP/618/2025.

Mr. Marmik Shah, for Respondent No.2 in WP/643/2025.

Mr. N. B. Patil, APP for the State.

CORAM: N. J. JAMADAR, J.

DATED : 27th JUNE, 2025

PC:-

1. Heard the learned Counsel for the parties.
2. The challenge in these petitions is to the orders dated 13th January, 2025 passed by the learned Sessions Judge, Greater Bombay, in Criminal Misc. Application Nos.2411 of 2024 and 2419 of 2024 seeking transfer of the cases arising out of FIR

No.733 of 2023 from the Court of Judicial Magistrate 34th Court, Vikhroli, to any other Court.

3. By the impugned order, the learned Sessions Judge was persuaded to reject the application for transfer. The petitioners have yet not been summoned as accused.

4. Mr. Patil, the learned Counsel for the petitioners, submitted that the petitioners, at this stage, do not intend to prosecute the petitions so far as the impugned order rejecting the applications for transfer of the underlying proceedings pending before the learned Magistrate. However, the petitioners are aggrieved by the order of the learned Sessions Judge directing issue of notice as to why the contempt proceedings be not initiated against the petitioners – applicants.

5. Mr. Patil submitted that the petitioners never intended to scandalize or lower the authority of the Court of the learned JMFC and learned Sessions Judge. Nor the petitioners intended to interfere with the administration of justice or offend the majesty of law. The petitioners are willing to appear before the learned Sessions Judge and tender an unconditional apology.

6. To show *bona fides* Mr. Rikhav Shah, petitioner No.1 in WP/643/2025 has tendered an affidavit. In the affidavit Rikhav

Shah, petitioner No.1 in WP/643/2025 has tendered an unconditional apology to this Court, learned Sessions Judge and the learned Magistrate.

7. It appears that petitioner No.1 has filed the affidavit tendering apology out of a sense of remorse.

8. In view of the aforesaid submissions made on behalf of the petitioners and the willingness shown by the petitioners to appear before the learned Sessions Judge and tender an unconditional apology before the learned Sessions Judge, it may be appropriate to request the learned Sessions Judge, Greater Bombay, to allow the petitioners to file such affidavit and after considering the affidavit to be tendered by the petitioners, pass appropriate orders.

9. It is further clarified that there is no restraint on the learned Judicial Magistrate proceeding with the underlying proceedings pending on his file and passing appropriate order thereon in accordance with law as expeditiously as possible.

10. Subject to the aforesaid liberty and clarification the petitions stand disposed.

[N. J. JAMADAR, J.]