

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

Criminal Writ Petition No. 3047 of 2025

Tejas Shah ... Petitioner
V/s.
State of Maharashtra and anr. ... Respondent/s.

Mr. Manish Bohra a/w. Advocate Utsav Maurya, Ms. Neelofar Khan	Advocate for the Petitioner.
Mr. N.B. Patil	APP for the State.

CORAM : S.M. MODAK, J

DATE : 28th July 2025.

P.C. :

Heard learned Advocate for the Petitioner-Accused.

2. Though a very limited point is raised in the petition, at this juncture, I am not entertaining this petition. It is for the reason this grievance about “not passing an order of issuance of process” was not raised for all these years. In fact the Petitioner has also participated in the trial and now recording of evidence has started.

3. Learned Advocate for the Petitioner has invited my attention to copy of the complaint filed by SEBI. Initially before the Court of Additional Chief Metropolitan Magistrate there are certain orders passed by that Court. In view of the amendment all these matters are

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transferred to the Sessions Court.

4. My attention is also invited to the order on Roznama dated 24th September 2014 wherein Special Public Prosecutor prayed for issuing summons through Commissioner of Police.

5. The contention is neither the trial Magistrate nor the Special Court has issued a process and continued with the proceedings. He relied upon the two observations in the case of :-

(i) *Shishir Joshipura v/s. State of Maharashtra & anr.*¹

(ii) *Lalankumar Singh and others v/s. State of Maharashtra.*²

6. The 2nd judgment is in respect of passing of a reasoned order of issue of process.

7. Instead of this Court entertaining this petition, I am granting liberty to the Petitioner to raise this issue before the Special Court. The Special Court to decide that issue and proceed as per the law.

8. The Writ Petition stands disposed of.

(S.M. MODAK, J.)

1 2018 GoJuris (Bombay HC) 1071

2 2022 SCC OnLine SC 1383.