

ANAND
SUDHAKAR
SUDAME

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3742 OF 2025

Digitally signed by
ANAND
SUDHAKAR
SUDAME

Chandrakant C. Shah

.Petitioner

Date: 2025.07.22
18:49:04 +0530

Versus

The State of Maharashtra

.Respondent

Mr. Chandrakant Shah, Petitioner-in-person present
Mr. B. V. Holambe – Patil, APP, for the Respondent – State

CORAM : S. M. MODAK, J.

DATE : 16.07.2025

P. C.

1. Heard the Petitioner-in-person.
2. It is the contention of the Petitioner that stay is not extended by this Court in the Criminal Application No. 325 of 2024 and the learned Magistrate has not issued arrest warrant against the Accused. Hence, the present Petition. It is also submitted that even the Accused has not produced a copy of extension of stay Order.
3. He has invited my attention to the Order dated 27.06.2025. The roznama recorded is on page No. 50. The learned Judge has referred to Online Application No. 325 of 2024. It is true that in Criminal Application No. 325 of 2024 filed by Ms. Sapna Shah, this Court (Coram : M. S. Karnik, J.) by Order dated 26.03.2024 has

stayed the trial Court proceedings till the next date. It is true that on 07.05.2024, interim Order was extended till the next date. The contention is that after 07.05.2024, interim stay is not extended.

4. It is true that the trial Court cannot issue warrant, if the proceedings are stayed but if the roznamas are perused, it does not seem that learned Magistrate has not properly observed about operation of the stay. Merely referring Online Application is not sufficient. Learned Magistrate has to satisfy in fact, stay is extended. This can be done by the learned Magistrate after verifying communication of Writ or Order of this Court. It can also be verified by the learned Magistrate by making correspondence with the Registrar of this Court. Unless and until, it is done merely by referring to Online Application, it would not be proper for the learned Magistrate to postpone the hearing of the Application for issuance of arrest warrant.

5. In view of that, let the learned JMFC, 27th Court, Mulund, Mumbai to verify whether interim stay is extended or not and then pass appropriate Order.

(S. M. MODAK, J.)