

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

CRIMINAL WRIT PETITION NO.3746 OF 2025

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Shweta Ajay Patil and Ors.

...Petitioners

V/s.

The State of Maharashtra and Anr.

...Respondents

Mr.Shailesh Chavan a/w Mr.Sachin Pawar and Mr.Hrishikesh Avhad:-	Advocates for Petitioners.
Mr.Sangita E. Phad:-	APP for Respondent No.1 -State.

CORAM : S. M. MODAK, J.

DATE : 16th JULY 2025

P. C. :-

1. Heard learned Advocate Mr.Chavan for the Petitioners and learned APP Ms.Phad for Respondent No.1 -State.

2. They had challenged the order of '*issuance of process*' before the Revisional Court. It was disposed of on 26th May 2025. The order is in two parts. It is as follows:-

- (a) The process for commission of the offences punishable under Sections 504, 506 of the Indian Penal Code, 1860 ("IPC") was set aside.
- (b) The process for commission of the offence punishable under Sections 323 read with 34 of IPC was maintained.

The Petitioners are aggrieved by that part of the order.

3. Issue notice to the Respondent No.2 returnable on **2nd September 2025**. Private notice, in addition, is allowed. Affidavit of service be filed.

Later on:-

4. Learned Advocate Shri.Chavan shown to me the notings in the online roznama dated 26th June 2025 wherein there is a reference of issuance of bailable warrant and issuance of non bailable warrant against the Accused Nos.2 to 4. It is submitted that when the Revision was pending before the Sessions Court, there was a stay to the entire proceeding but the fact that Revision was dismissed, the Complainant sought this order hurriedly from the trial Court.

5. It is true the Petitioners have got every right to challenge the order of Revisional Court and in fact they have partly succeeded also. This Court feels instead of granting stay to the proceeding, it will be in the interest of justice for these Petitioners to approach before the trial Court and to seek cancellation of both types of warrant. When the Petitioners are showing respect to the process of the Court, the Court has to consider that respect in a proper way.

6. In view of that, **liberty granted to the Petitioners to apply before**

the trial Court for cancellation of both the warrants and the trial Court to consider it positively.

[S. M. MODAK, J.]