

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

CRIMINAL WRIT PETITION NO.4303 OF 2025

SATISH
RAMCHANDRA
SANGAR

Ashish Anil Dubey

...Petitioner

Digitally signed by
SATISH RAMCHANDRA
SANGAR

V/s.

Date: 2025.08.19
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The State of Maharashtra and Anr.

...Respondents

Mr.Ajay Dube:-	Advocate for Petitioner.
Ms.Sangita E. Phad:-	APP for Respondent No.1 -State.

CORAM : S. M. MODAK, J.

DATE : 11th AUGUST 2025

P. C. :-

1. Heard learned Advocate for the Petitioner.
2. There is challenge to the order of '*issuance of process*' dated 12th June 2024 passed by the Court of Metropolitan Magistrate-Kurla. It is for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 ("**NI Act**"). The present Petitioner is the drawer of the cheque. The cheque is of Rs.60,000/- (Rupees Sixty Thousand).
3. During arguments, the following two submissions are made:-
 - (a) Cheque was issued but without mentioning the amount and it was filled in by the Complainant and

(b) the amount of Rs.15,000/- is paid by way of google pay and as such, there is no cause of action for filing of Complaint.

4. When inquired whether reply is given to the statutory notice, copy of reply is not annexed to the Petitioner. These contentions cannot be decided in a quashing Petition. Best course available is to approach the trial Court when the trial will be conducted.

5. Liberty to Petitioner to agitate those grounds when the trial will be conducted. No observation about merits.

6. The trial Court has issued a non-bailable warrant against the Petitioner without first issuing a bailable warrant. Learned Advocate on the basis of instructions submitted that his client will appear before the trial Court. On this assurance, the Petitioner to approach the trial Court with a prayer for cancellation of non-bailable warrant and the trial Court to consider it positively. The Petitioner to comply with the bail formalities.

7. The Petition is disposed of accordingly.

[S. M. MODAK, J.]