

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

Criminal Writ Petition No. 4578 of 2025

Amritlal Pratapji Shah ... Petitioner
V/s.
The State of Maharashtra ... Respondent

Mr. Siddharth Singh with Mr. Abdullah Shaikh i/b. Ashok M. Saraogi	Advocates for the Petitioner.
Ms. Saneeta E. Phad	APP for the State.

CORAM : S.M. MODAK, J

DATE : 03rd September 2025.

P.C. :

Heard learned Advocate for the Petitioner-Complainant. He has filed a private complaint before the Court of then Metropolitan Magistrate, Borivali against in all 14 persons. It is for the offences punishable under Sections 420,406 read with Section 34 of Indian Penal Code and Sections 3 and 13 of Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963.

2. The prayer is for issuing directions under Section 156(3) of Cr.P.C. The submission is the Roznama on Page No. 111 and 112 suggest that matter is fixed for verification. This is pending since

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28th June 2024. If it is for verification, the presence of the Complainant is required. Unless he will remain present verification cannot be recorded and in that eventuality Petitioner need not seek expeditious hearing directions. Learned Advocate for the Petitioner assures that his client will co-operate the trial Court and will also participate.

3. If there is a prayer for investigation under Section 156(3) of the Code of Criminal Procedure, the learned Magistrate is bound to pass some judicial order whether those directions can be given or cannot be given. Recording the verification is a step towards taking cognizance whereas order under Section 156(3) of Cr.P.C. is passed at a pre-cognizance stage. Merely because online Roznama mentions about fixing the matter for verification, does not mean that the Court is required to record the verification. Verification can be recorded only when there is a judicial order to that effect. The Petitioner is at liberty to request the trial Court to hear them on the point of passing the order under Section 156(3) of Cr.P.C. (If there is no order to record verification).

4. With these directions, the petition is disposed of. Let the Petitioner be heard at the earliest.

(S.M. MODAK, J.)