

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4789 OF 2025

Surender Kumar Goel & Ors

..Petitioners

Versus

Shivani Flexipack Ltd (SFL) & Ors

...Respondents

Mr. Gopal Shenoy, i/b Nilesh Navale, for the Petitioners.

Mr. S.S. Ghag, APP, for Respondent No.13-State.

CORAM: N. J. JAMADAR, J.

DATED : 18th SEPTEMBER 2025

P.C.:

1. Heard the learned Counsel for the Petitioners.
2. The challenge in this Petition is to an order dated 26th October 2023, passed by the learned Metropolitan Magistrate, 17th Court, Borivali, Mumbai, whereby process has been issued against the Petitioners for the offences punishable under Sections 120B, 406, 420 read with Section 34 of the Indian Penal Code, 1860.
3. One of the co-accused, Sanjeev Goyal (A7) has preferred Revision Application, being Revision Application No. 125 of 2024, before the Additional Sessions Judge, Dindoshi Division, Mumbai. As the said Revision Application was not being expeditiously heard and decided,

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the said co-accused had preferred Criminal Application No. 407 of 2025.

4. By an order dated 4th April 2025, this Court has requested the Revisional Court to decide the pending Revision Application on its own merits and in accordance with the law, expeditiously.

5. The Court is informed that, the said Revision Application is already listed before the Sessions Court on 29th September 2025.

6. As one of the co-accused has already invoked the Revisional Jurisdiction of the Sessions Court, an incongruous situation may arise if this Court exercises the writ jurisdiction. It would, therefore, be in the fitness of things that the Petitioners also invoke the revisional jurisdiction of the Sessions Court.

7. In the event the Revision Application is filed within a period of one week, the learned Sessions Judge shall hear and decide the said Revision Application along with Revision Application No. 125 of 2024.

8. In case the question of limitation arises, time spent in prosecuting this petition may be accounted for under Section 14 of the Limitation Act.

9. It is hereby made clear that, this Court has not entered into the merits of the matter and the Sessions Court is requested to decide the pending Revision Application and the Revision Application which may be filed by the Petitioners, on merits and in accordance with law.

10. Petition disposed.

[N. J. JAMADAR, J.]