

Arun Sankpal

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 5771 OF 2025

Vishwa Bandhu Jaiswal

..Petitioner

Versus

State of Maharashtra & Anr

...Respondents

Mr. Ashok Saraogi, with Ranjeev Carvalho, Siddhanth Jaiswal,
Shivam Deshmukh and V Kamble, i/b Aditya Sharma, for the
Petitioner.

Smt. R. S. Tendulkar, APP, for Respondent No.1-State.

CORAM: N. J. JAMADAR, J.

DATE : 13th NOVEMBER 2025

P.C.:

1. Heard the learned Counsel for the parties.
2. Mr. Saraogi, the learned Counsel for the Petitioner, seeks leave to amend the Petition so as to implead the victim as party-Respondent to the Petition.

Leave granted. Necessary amendment be carried out forthwith.

The Victim be impleaded as party-Respondent by concealing her identity.

3. The challenge in this Petition is to an order dated 15th October 2025, passed by the learned Addl Chief Judicial Magistrate, 22nd Court, Andheri, Mumbai, whereby a proclamation has been ordered to be issued against the Petitioner. By the same order the learned Magistrate

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has issued an order of attachment of property under Section 83 of the Code of Criminal Procedure, 1973 (“the Code”).

4. *Prima facie* it appears that non bailable warrant was issued against the Petitioner on 15th September 2025. In the impugned order, the learned Magistrate has observed that warrants were repeatedly issued against the Petitioner. Thus, the legality and propriety of the issuance of the proclamation, without indicating a specific date on which the proclamation would be made returnable and, simultaneously, issuing a warrant of attachment of property under Section 83 of the Code, requires to be examined.

5. Issue notice to the Respondents returnable on 11th December 2025.

6. Smt. R. S. Tendulkar, the learned APP, waives service of notice for the Respondent No.1-State.

7. In addition to notice through Court, the Petitioner is at liberty to serve the Respondent No.2 by private service and file an Affidavit of Service.

8. Stand over to 11th December 2025.

9. In the meanwhile, there shall be an ad-interim relief in terms of prayer clause (c).

[N. J. JAMADAR, J.]