

ANAND
SUDHAKAR
SUDAME

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 571 OF 2025

Amarlal Ramrakhiani & ors.

.Applicants

Digitally signed
by ANAND
SUDHAKAR
SUDAME

Versus

Dnyaneshwar Sable & ors.

.Respondents

Date:
2025.07.28
19:43:17 +0530

Mr. Vaibhav P. Shinde, Advocate, for the Applicants

Mr. Nitin B. Patil, APP, for the Respondent – State

Mr. Sanjeev Kadam a/w. Mr. Hemant Patil, Ms. Varsha Thorat &
Mr. Prashant Raul, Advocates, for Respondent No. 5

CORAM : S. M. MODAK, J.

DATE : 22.07.2025

P. C.

1. Heard Applicant No. 1 in person.
2. It is true that he is permitted by the Committee to represent his case. The Application is filed by him and two other Applicants. The Certificate does not mention that the Applicant No. 1 can represent the case for two other Applicants. **Let the Applicant No. 1 to do the needful.**
3. There is a challenge to the procedure followed by learned Judicial Magistrate First Class, 1st Court, Kalyan. Vide Order dated 15.04.2025. He has issued notice to the Accused. The submission is

that he was required to record verification and then only notice can be issued under Section 223 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”). He invited my attention to the Order passed by the same learned Magistrate on 02.01.2025 which is on page No. 362. In that case, he has recorded verification of the Complainant. Two different procedures seems to have been followed by learned Magistrate. He relies upon certain Judgments. The compilation is taken on record.

4. According to Mr. Kadam, learned Advocate for Respondent No. 5, two interpretations of Section 223 of the BNSS are prior to taking cognizance, notice is required to be issued to the proposed Accused. According to him, the Application has become infructuous because Applicant No. 1 has appeared before learned Magistrate and has also filed reply. Applicant No. 1 is having other submissions. He is at liberty to argue on the next date.

5. Stand over to **19.08.2025**.

(S. M. MODAK, J.)