IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.5682 OF 2026

Ravi Shriram Bangadkar ...Petitioner
Versus
Maharashtra Safe Chemist and Distributors Alliance Ltd. & Anr. ...Respondents

---

Mr. Rajender Singh a/w Balraj Nishad & Sameer Chaudankar, for the Petitioner.
Mr. S. V. Walve, APP, for Respondent No.2-State.

CORAM: MADHAV J. JAMDAR, J.
DATED: 22 OCTOBER 2026

PC:-

1. Heard Mr. Rajender Singh, learned Counsel appearing for the Petitioner and Mr. Walve, learned APP, for Respondent No.2-State.

2. In this Writ Petition, the Petitioner, who is the Original Accused, has challenged the following Orders:

i. The Order dated 9th April 2026 passed by the learned Judicial Magistrate (First Class), 59th Court, Kurla, Mumbai below Exhibit-23 in C.C. No. 5900589/SS/2018.

ii. The Order dated 17th September 2026 passed by the

learned Judicial Magistrate (First Class), 59th Court, Kurla, Mumbai below Exhibit-28 in C.C. No. 5900589/SS/2018.

3. By the impugned Order dated 9th April 2026, application bearing Exhibit-23 filed by the Respondent-Complainant was allowed. The said application bearing Exhibit-23 was filed by the Complainant seeking dispensation of the statement of the Accused under Section 313 of the *Code of Criminal Procedure, 1973* and the said application was allowed.

4. By the impugned Order dated 17th September 2026 passed below Exhibit-28, the application filed by the Petitioner/Accused under Section 348 of the *Bharatiya Nagarik Suraksha Sanhita, 2023*, seeking recall of Complainant as a witness, was rejected.

5. While allowing the application bearing Exhibit-23 filed by the Complainant seeking dispensation of the statement of the Accused under Section 313 of CrPC, the learned Trial Court, *inter alia*, has set out the following reasons:

> "4] On perusal of the record of the case, it is seen that **no cross order passed against accused below Exh.5 on 01.12.2022. The complainant has closed his evidence by filing closing pursis on 01.12.2022, accordingly evidence of the complainant is closed. Thereafter the stage is fixed for statement of the accused under Section**

313 of Cr.P.C. Thereafter non bailable warrant was issued against the accused, but his presence could not be secured. Thereafter, the present application is filed. The accused and his counsel failed to file their say to the said application. …"

6. While rejecting the application bearing Exhibit-28 filed by the Petitioner-Accused seeking recall of Complainant as witness, the learned Trial Court has set out the reasons in Paragraph Nos.5 and 6 as under:

"5. At the outset, it is necessary to mention that no cross orders was passed against the accused by my Predecessor on 21.01.2023 in presence of the accused. Hence, the accused and his counsel were knowing regarding the no cross orders passed against the accused on 21.01.2023. Further, since last two years the court is effectively functioning, still accused and his counsel have intentionally remained absent to prolong the matter.

6. On perusal of the case, cross-examination of complainant was closed on 21.01.2023 for failure on part of accused to cross examine the complainant witness. The complainant closed his evidence. Thereafter, the accused and his counsel remained absent. Several times NBW was issued against the accused, however, his presence could not be secured. During the said period, the accused counsel never turned up before the court, did not cancel the warrant issued against the accused nor took any steps to proceed with the case. Hence, complainant filed application for dispense of statement of accused under Section 313 at Exh.23. Accordingly, order was passed on 09.04.2026 and thereby statement of accused under Section 313 of Cr.P.C. came to be dispensed with and matter was posted for final arguments. Now, at stage is fixed for final arguments since last three dates, accused and his counsel have

> knowledge that the matter is fixed for final orders, he has filed the present application to set aside order for no cross passed way back on 21.01.2023. Thus, the conduct of accused counsel appears only to protract the trial and prolong matter which is fixed for final arguments. The accused and his counsel themselves have protracted the trial. …"
>
> (Emphasis added)

7. Thus, the factual aspects as set out in the above Paragraphs clearly show that the Petitioner has deliberately not attended the trial and, in fact therefore, non-bailable warrant was required to be issued repeatedly against the Petitioner.

8. Thus, in the facts and circumstances, no case is made out for interference under Article 227 of the Constitution of India which is extraordinary and discretionary jurisdiction of this Court.

9. Accordingly, the Writ Petition is dismissed.

[MADHAV J. JAMDAR, J.]