

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 61 OF 2026

A. N. Instruments Pvt. Ltd. ... Petitioner

V/s.

The State of Maharashtra & Anr. ... Respondents

Ms. Divya Bhatia, Advocate for Petitioner.

Mr. Jatin Shah a/w Ms. Shraddha Kamble i/b Dev M. Galan,
Advocates for Respondent No. 2.

Ms. Pallavi Dabholkar, APP for Respondent - State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 17th JANUARY, 2026.

P.C. :

1. By the present Petition filed under Article 226 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Petitioner has sought for the following substantive relief :-

*“A) This Honourable Court be pleased to quash
and set aside the order dated 23.09.2025;”*

2. Mr. Jatin Shah, learned Advocate for Respondent No. 2 raises preliminary objection to the maintainability of the present Petition. His objection is that the impugned order by which the Judicial Magistrate, First Class has issued process under Section 138 of the Negotiable Instruments Act, 1881 is a revisable order, against which a Revision is maintainable. He submits that the Petitioner is required to avail the said remedy before the Sessions Court at the first instance.

3. Ms. Divya Bhatia, learned Advocate for the Petitioner, on instructions from the Petitioner craves leave to withdraw the present Petition with liberty to file Criminal Revision Application before the Sessions Court. She submits that the present Petition was filed bonafidely before this Court, as such, the time spent before this Court in this Petition be excluded.

4. Mr. Jatin Shah, learned Advocate for Respondent No. 2 and Ms. Pallavi Dabholkar, APP, do not object to the said request made by Ms. Divya Bhatia.

5. In view of the above, leave granted to withdraw the present Petition with liberty to file Criminal Revision Application under Section 438 of the BNS before the Sessions Court having jurisdiction. If such Application is filed within a period of 15 days from today, then the time spent in the present Petition shall stand excluded in terms of Section 14 of the Limitation Act .

6. Writ Petition No. 61 of 2026 is disposed of as withdrawn with the liberty as above.

(ASHWIN D. BHOBE, J.)