

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 6424 OF 2025

Manish Somani and Anr.

..Petitioners

Versus

The Union Territory of Daman & Diu & Anr.

...Respondents

AND

WRIT PETITION NO. 6434 OF 2025

Mr. Ansh Agal a/w Mr. Hrushik Gole, Ms. Aditi Parak, i/by
Jain Law Partners, for the Petitioner in both.

Mr. D. J. Haldankar, APP for the Respondent-State.

Mr. Aadil Parsurampuriya, a/w Mr. Chirag Saraswati, Mr.
Yash Sinha, i/by Tushar Goradia, for Respondent No. 2.

CORAM: N. J. JAMADAR, J.

DATE : 29th JANUARY 2026

P.C.:

1. Heard the learned Counsel for the parties.

2. The petitioners are assailing an order dated 01st August, 2019 passed by the learned Magistrate whereby process was ordered to be issued against the petitioners for an offence punishable under Section 138 r/w Section 141 of the Negotiable Instrument Act, 1881.

3. The learned Counsel for the respondent-complainant invites attention of the Court to the fact that, the petitioners had assailed the said order in revision, being Criminal Revision Application No. 02/2021. The said revision application was

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dismissed by the learned Sessions Judge, Daman by a judgment and order dated 06th May, 2022.

4. It is pertinent to note that, not only the petitioners have not assailed the said order passed by the learned Sessions Judge, but even there is no reference to the same in the petition. The petitioners have invoked the writ jurisdiction as if they are assailing the order passed by the learned Magistrate, for the first time. A slightly different consideration comes into play, where the revisional Court has dismissed the challenge to the order passed by the first Court. Suppression of the said fact, therefore, cannot be said to be immaterial.

5. Moreover, the order of issuance of process was passed in the year, 2019. The time lag also reflects upon the casual manner in which the remedies are pursued by the petitioners. Thus, on account of gross suppress of facts and laches, there is no propriety in entertaining these petitions.

6. The petitions thus stand dismissed with costs of Rs. 25,000/- to be deposited by the petitioners with the District Legal Services Authority, Daman, within a period of two weeks .

[N. J. JAMADAR, J.]