

MPBalekar

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

CRIMINAL WRIT PETITION NO. 6687 OF 2025

Vishal Panditrao Supekar and Ors.	... Petitioners
V/s.	
State of Maharashtra and Anr.	... Respondents

Mr. Vivek Patil along with, Renuka Negi, Sayli Patil, Devesh Sawant and A. Ansari i/by Vivek Patil and Associates for the Petitioners.

Mr. Mayur S. Sonavane for the State – Respondent No.1.

Omar Khaiyam Shaikh i/by Vikas Salvi & Associates, for Respondent No. 2.

CORAM : GAUTAM A. ANKHAD, J.

DATED : JANUARY 19, 2026

P.C.:

1. The Petitioners are directors of Panchtatva Milk Industries Private Limited, who had borrowed certain amount from respondent no.2 – Bank. The cheques issued by the petitioners as a part of security towards repayment of loans were dishonored. A statutory demand notice dated 23rd September 2023 was issued by the Bank. The Petitioners responded to the same by their Advocate's letter dated 19th October 2023 *inter alia* admitting to the loan, but raising a defense that the Petitioners did not disburse further additional amounts which results in losses and consequent defaults in the repayment of the loan to the Petitioners.

2. Respondent no. 2 filed a complaint against the Petitioners before the learned Metropolitan Magistrate, 56th Court, Mazgaon, Mumbai, bearing CC No. 2138/SC/2023, wherein the learned Magistrate on

dated 9th January 2024, passed an order of issuance of process against the Petitioners. The said order records that compliance of Section 202 of Cr.P.C., inquiry is made by the learned Magistrate on the basis of an affidavit filed by Respondent no.2. This order was challenged by the Petitioners in Criminal Revision Application No. 511 of 2024. By the impugned order dated 10th October 2025, the said revision application has been dismissed.

3. Mr. Patil, learned counsel appearing on behalf of the Petitioners submits that the impugned order is cryptic, vague and demonstrates non-application of mind. He submits that the learned Magistrate as well as the Sessions Court ought to have, at the very least, considered whether any *prima facie* case is made out against the Petitioners for issuance of process. He submits that the compliance as required under Section 202 of Cr.P.C. has not been done and relies on the order dated 2nd January 2025 passed by this Court in Criminal Writ Petition No. 2922 of 2022 (*Mr. Mohit Goell @ Mohit Kumar Vs. State of Maharashtra and Anr.*) in support of this petition. On the other hand, Mr. Omar Khaiyam Shaikh, learned counsel appearing for Respondent no. 2, submits that there is no infirmity in the impugned orders and prays for dismissal of the present petition.

4. I have heard the learned counsels and perused the record. The Sessions Court has in exercise of its revisional powers under Section 397 of Cr.P.C. considered the impugned order and observed that learned Magistrate has considered the evidence by way of an affidavit under Section 202 of the Cr.P.C. and records that the accused persons are residing outside the jurisdiction of the Court. The Court has held that the complaint makes out a *prima facie* case against accused and thereafter issued a process against the petitioners. In my view, the view has been taken by the Sessions Court cannot be faulted with. At the stage of issuance of process, the learned Magistrate is not required to

consider the entire defense of the accused nor are detailed reasons necessary. The scope is to ascertain if the complaint has any valid foundation calling for issuance of process against the accused or whether it is baseless on which no action is required. The Petitioner has admitted to the dishonor of cheques in its advocates letter of 19th October 2023. The impugned order is well-reasoned and the discretion has been judiciously exercised by the learned Magistrate after considering the material on record. As regards, the judgment cited by Mr. Patil, the same is not applicable to the facts of the case as the learned Magistrate has issued process after conducting an inquiry based on the affidavit filed by the complainant.

5. For the above reasons, Criminal Writ Petition No.6687 of 2025 is dismissed.

(GAUTAM A. ANKHAD, J.)