

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 762 OF 2026**

Jinendra R Jain	... Petitioner
V/S.	
State of Maharashtra & Anr.	... Respondents

Mr. Murtaza Najmi a/w Dilip Shukla, Nancy Kanungo, for the
Petitioner.

Ms. Shilpa Talhar, APP for the Respondent – State.

**CORAM : ASHWIN D. BHOBE, J.
DATE : 23rd FEBRUARY, 2026.**

P.C. :

1. By the present Petition, the Petitioner has sought for the
following relief in prayer clause (a):

*“ a) That this Hon’ble Court be pleased to
invoke its power under Section 528 of
Bhartiya Nagarik Surakhsha Sanhita, 2023
(Corresponding Section 482 of Cr. P.C) to
“QUASH” and “SET-ASIDE” the order dated
10.06.2024 passed by Ld. Judicial Magistrate
First Class, 65th Court, Andheri Mumbai, in
respect of C.C.No. 171/SW/2024 for
offences under section 420 r.w/ 34 of the
Indian Penal Code;”*

2. Ms. Shilpa Talhar, learned APP for the Respondent – State,
raises a preliminary objection to the maintainability of the present

proceedings, contending that the impugned Order dated 10.07.2024 is revisable and that a criminal revision would be maintainable before the Sessions Court at the first instance under Section 438 of the BNSS.

3. Having considered the objection, Mr. Murtaza Najmi, learned Advocate for the Petitioner, on instructions from the Petitioner, craves leave to withdraw the present Petition with liberty to approach the Sessions Court with a Revision Application. He submits that the Petitioner was served with the summons in the latter part of 2025. He further submits that a Revision Application, along with an Application seeking condonation of delay, will be filed before the Sessions Court within two weeks, and requests that the Sessions Court be directed to consider the same with a liberal approach.

4. Ms. Shilpa Talhar, the learned APB, does not object to the said request.

5. In view of the request made by Mr. Murtaza Najmi, leave is granted to withdraw the present Petition, with liberty to file a Criminal Revision Application under Section 438 of BNSS before

the Sessions Court having jurisdiction.

6. If a Criminal Revision Application, along with an application seeking condonation of delay, is filed before the Sessions Court having jurisdiction within two weeks from today, the said Application be considered in accordance with the law, after hearing the parties, with a liberal approach.

7. Mr. Murtaza Najmi submits that the matter before the Trial Court is scheduled for 27.02.2026. He submits that, as the Petitioner intends to file the Revision Application within two weeks, the Petitioner be exempted from personal appearance before the Trial Court on 27.02.2026. If an application for exemption is filed before the Trial Court seeking exemption from appearance on 27.02.2026, the learned Trial Court shall consider the same only for the said date.

8. Criminal Writ Petition No. 762 of 2026 is disposed of as withdrawn.

(ASHWIN D. BHOBE, J.)

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