

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 959 OF 2026

Shivshakti Builders And Developers
Through Devendra Hanuman Pandey & Anr ...Petitioners

Versus

Shrikant Ramchal Mishra And Anr ...Respondents

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Mr. Ashok Mishra, a/w Kinjal Mehra, Jilesh Sanghavi, Dhara
Chauhan, Shreyas Mhapankar, Prapti Patil, Vaishnavi
Murkute, i/b M/s. Solicis Lex, for the Petitioners.

Mr. P. P. Malshe, APP for the State.

CORAM: N. J. JAMADAR, J.

DATED: 6th MARCH, 2026

Oral Order:-

1. Heard the learned Counsel for the petitioners.
2. The petitioners are the accused in a complaint for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881.
3. Assailing the order of issuance of process, the petitioners had filed Criminal WP/2369/2022. By an order dated 15th July, 2022, this Court had exempted the personal appearance of the petitioners before the trial Court till the next date and the said order continued till 21st January, 2025. On 21st January, 2025, the said petition was disposed with liberty to the petitioner to

file an appropriate application before the Court of Session and also seek condonation of delay in filing such application.

4. The petitioners have preferred a revision application before the Court of Session alongwith an application for condonation of delay, being Misc. Application No.346/2025.

5. It is the grievance of the petitioners that the said application is not heard and, in the meanwhile, the trial Court has issued non-bailable warrant against the petitioners, and is insisting for recording of the plea of the petitioners.

6. By the impugned order, the trial Court has rejected the application preferred by the petitioners to defer the recording of the plea of the petitioners.

7. The Court is informed that Misc. Application No.346/2025 is now adjourned to 17th June, 2026.

8. Since the petitioners had invoked the writ jurisdiction and interim protection was granted therein and, eventually, the petitioners have been relegated to the Court of Session, it would be expedient that the Court of Session considers the prayer of the petitioners to stay the proceedings before the trial Court in CC No.2004/SC/2022 till orders are passed in Misc. Application

No.346/2025, lest the entire exercise would be rendered infructuous.

9. The Court of Session is, therefore, requested to list Misc. Application No.346/2025 for hearing on 25th March, 2026, and consider the prayer of the petitioners for interim/ad-interim reliefs.

10. In the meanwhile, the trial Court is requested to defer the proceeding in CC No./2004/SC/2022 beyond 25th March, 2026, and the execution and operation of non-bailable warrant issued by the trial Court against the petitioners shall remain stayed till 23rd March, 2026.

11. On that date, the petitioner No.2 shall appear before the learned Magistrate and seek cancellation of the non-bailable warrant.

12. In the event petitioner No.2 appears before the trial Court, on 23rd March, 2026 and files an application for cancellation of non-bailable warrant, the trial Court may have due regard to the aforesaid development and this order.

13. The petition stands disposed.

[N. J. JAMADAR, J.]