

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1262 OF 2026

Sanjay Hariram Agarwal ... Petitioner

Versus.

The State of Maharashtra ... Respondent

Mr. Pavan Mali a/w Mr. Mittal M. & Ms. Anushka Jain, Advocates
for Petitioner.

Ms. A. S. Gotad, APP for Respondent No. 1 - State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 23rd MARCH, 2026

P.C. :

1. Heard Mr. Pavan Mali learned Advocate for the
Petitioner and Ms. A. S. Gotad, APP for Respondent No. 1 – State.

2. By this Petition filed under Article 226 of the
Constitution of India read with Section 528 of the Bhartiya
Nagarik Suraksha Sanhita, 2023, the Petitioner requests a direction
to the Chief Metropolitan Magistrate, 47th Court, Esplanade,
Mumbai), to consider and dispose of the Application dated 23rd

September 2025 filed by the Petitioner in CC No. 200/PW/2005, marked at Exhibit – 185.

3. The limited grievance of the Petitioner is that the Application (Exhibit – 185) is pending before the Magistrate for more than six months. He states that the Magistrate is insisting on recording the Petitioner's statement under Section 313 of Cr. P. C. (351 of BNSS), without deciding the Application (Exhibit – 185). He submits that if the Application (Exhibit – 185) is not decided before recording the statement under Section 313 of Cr. P. C., it would result in prejudice to the Petitioner.

4. Ms. A. S. Gotad, learned APP for the State, fairly submits that the Application at Exhibit – 185 filed by the Petitioner under Section 216 of Cr. P. C. / 239 of BNSS, 2023, should be disposed of before recording the statement under Section 313 of Cr. P. C/ 351 of BNSS 2023.

5. In view of the above, the Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai, is directed to consider

and dispose of the Application (Exhibit – 185) on the file of CC No. 200/PW/2005 based on its merits and in accordance with law, before recording the statement of the Petitioner under Section 313 of Cr. P. C /351 of BNSS of 2023.

6. Mr. Pavan Mali submits that the grievance of the Petitioner is redressed with the above direction, and this petition be disposed of.

7. With the directions mentioned above, this Petition is hereby disposed of.

(ASHWIN D. BHOBE, J.)