

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1747 OF 2026**

Sanjay Hariram Agarwal

... Petitioner

Versus.

The State Of Maharashtra And Anr.

... Respondents

Mr. Pawan Mali a/w Yagni Sarvankar, for the Petitioner.

Mrs. Poonam Bhosale, APP for the Respondent – State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 30th April, 2026.

P.C. :

1. Heard Mr. Pawan Mali, learned Advocate for the Petitioner and Mrs. Poonam Bhosale, learned APP for Respondent No. 1. Mr. Pawan Mali, learned Advocate, states that Respondent No. 2 is a formal party to this Petition.

2. Mr. Pawan Mali, learned Advocate for the Petitioner, states that the challenge in the present Petition is to the impugned order dated 21.03.2025 passed by the Additional Chief Judicial Magistrate, 37th Court, Esplanade, Mumbai, in C. C. No. 389/PW/2023 ordering the framing of charges under Sections 420, 467, 468, 471, 114 and 120B, read with Section 34 of the Indian Penal Code, 1860. He states that the facts mentioned in the present Petition are similar and identical to those in Writ Petition

No. 77 of 2026, which was in respect of a connected case. He submits that the decision of this Court in *Sanjay Hariram Agarwal v. The State Of Maharashtra and Anr.*¹, squarely applies to the present case, both in fact and in law. He therefore submits that this Petition be allowed by applying the decision of this Court in Sanjay Hariram Agarwal (Supra) to the case in hand. He states that the criminal case bearing C. C. No. 389/PW/2023 is clubbed with other cases referred to in the in the case of Sanjay Hariram Agarwal (Supra).

3. Mrs. Poonam Bhosale, learned APP for the Respondent – State, submits that the facts of this Petition are identical to those in the case of Sanjay Hariram Agarwal (Supra). She therefore submits that the decision in the case of Sanjay Hariram Agarwal (Supra) would apply. She further submits that the impugned order dated 21.03.2025 which framed the charge, be set aside and that the course adopted in the case of Sanjay Hariram Agarwal (Supra) be followed in this case.

¹ Writ Petition No. 77 of 2026 decided on 13.01.2026.

4. In view of the above and by consent of the parties, the following order is made:-

a) Order dated 21.03.2025 impugned in this Petition as well as the charge as framed against the Petitioner, stand quashed and set aside.

b) Petitioner shall appear before the learned Additional Chief Judicial Magistrate 37th Court, Esplanade, Mumbai on 07.05.2026

c) Learned Additional Chief Judicial Magistrate, 37th Court, Esplanade, Mumbai shall pass an order on framing of charge after providing an effective opportunity of hearing to the Prosecution and the Petitioner (Accused), in accordance with law.

5. Mr. Pawan Mali, learned Advocate for the Petitioner, states that the Petitioner shall not seek an adjournment on 07.05.2026.

6. No order as to costs.

(ASHWIN D. BHOBE, J.)