

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.734 OF 2026**

Fahad Irfan Nachan and Anr. ... Applicants
versus
Bharat Lakhu Machhi and Anr. ... Respondents

Mr. Aditya Sawant with Mr. Vatsal Thakkar, Mr. Deepal Thakkar, for Applicants.
Mr. Tanveer Khan, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 7 MAY 2026

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this application is to an order dated 11 April 2025 passed by the learned Magistrate issuing process against the Petitioners for the offences punishable under Sections 318, 335, 336, 61 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.
3. At the outset, learned Counsel for the Applicants submitted that the Applicants have already invoked the revisional jurisdiction. However, the revision application has not been heard. Respondent No.1 – complainant has filed an affidavit in reply to the revision application. In the meanwhile, the learned Magistrate has issued non-bailable warrant against the Applicants.
4. Prima facie, the Courts finds that the learned Magistrate has not adhered to the mandate contained in the first proviso to Section 223 of the

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Bharatiya Nagarik Suraksha Sanhita, 2023. The Applicants have already invoked the revisional remedy. In these circumstances, this Court considers it appropriate to stay the execution and operation of the NBW issued by the learned Magistrate and direct the learned Sessions Judge to hear and decide the revision application, as expeditiously as possible.

5. The application, thus, stands disposed with a request to the learned Sessions Judge seized with Criminal Revision Application No.15 of 2025, as expeditiously as possible and preferably within a period of four months from 14 May 2026, the next schedule listing of the Criminal Revision Application No.15 of 2025.

6. The Applicants shall appear before the learned Sessions Judge on 14 May 2026 and shall render necessary cooperation for the expeditious hearing and disposal of the Criminal Revision Application No.15 of 2025 and shall not seek adjournment.

7. In the meanwhile, the execution and operation of the NBW issued by the learned Magistrate by an order dated 30 January 2026 shall remain stayed till the disposal of the Criminal Revision Application No.15 of 2025.

(N.J.JAMADAR, J.)