



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 252 OF 2026

Mayur s/o Wasudeo Bhoe

-- VERSUS --

Ramesh Lakhmichand Bothra and Another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Prashant Giratkar, Advocate for the Petitioner.

Ms. P.C. Bawankule, A.P.P. for the Respondent No.2/State.

CORAM : M.M. NERLIKAR, J.

DATE : APRIL 06, 2026.

Heard.

2. The petitioner challenges the order dated 23/01/2026 passed by the learned Additional Sessions Judge, Chandrapur, in Criminal Revision No.36/2020. The said revision was filed by the petitioner challenging the order of issuance of process.

3. The learned counsel for the petitioner submits that he has not signed the cheque in issue. M/s. Mayur Engineering does not belong to the petitioner and the proprietor is the father of the petitioner, which could be gathered from the shop license. He further submits that even the cheque was issued by the concerned proprietor and not by the petitioner, and therefore, he submits that by no

stretch of imagination Section 138 can be invoked against the present petitioner.

4. I have considered the submission of the petitioner as well as I have gone through the impugned judgment and order dated 23/01/2026, passed by the Additional Sessions Judge, Chandrapur. I have also gone through the complaint filed by the complainant, wherein there are specific averments stating that the cheque was duly signed by the accused / petitioner before the complainant. It further appears that transactions had taken place between the complainant and the present petitioner in respect of purchase of electronic articles.

5. From the averments of the complaint, it is crystal clear that, there is sufficient material before the Magistrate for issuance of process. The contention of the petitioner that the cheque was not issued by the petitioner cannot be accepted at this stage. It is for the trial Court to consider whether the cheque was duly signed by the petitioner or not and this could be ascertained only after leading the evidence in a full-fledged trial. It is further to be noted that the stage of issuance of process is an important stage and it is the duty of the Magistrate to apply his mind. I have also perused the order dated 06/06/2019 wherein, the issue process order was passed by the learned Judicial Magistrate First Class, Chandrapur.

Prima facie, I am satisfied that after going through the complaint and after applying the mind to the same, the Magistrate has issued process and further the said order was confirmed by the learned Additional Sessions Judge, Chandrapur, by the present impugned order. It is further to be noted that the Revision Application was filed on 03/10/2020 and it was decided on 23/01/2026. It appears from the impugned order that, due to the petitioner's lapse, the revision application was pending for more than 5 years. Even the learned Additional Sessions Judge has observed in his paragraph No.6 that petitioner has not argued the matter and the application is kept pending before the Court unnecessarily. Therefore, such practice needs to be deprecated. Considering all these facts, I do not see any lacunae or perversity in the order passed by the Revisional Court. Hence, the Criminal Writ petition is **dismissed**.

[M.M. NERLIKAR, J]