



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.869 OF 2018

Brijeshkumar Jivram Mishra Applicant
versus
Mohammed Zamirulla Khan and another Respondents

Mr.Pankaj D.Jain with Mr.Kedar D.Khambete and Yogita Gogar I/by
P.D.Jain & Co. for applicant.
Mr.A.R.Patil, Additional P.P. for State.

CORAM : PRAKASH D. NAIK, J.
DATE : 6th August 2018

PC :

1. The applicant has challenged the order issuing process passed by learned Magistrate for offence u/s 138 of Negotiable Instruments Act. It is submitted that the complaint was filed on the basis of purported consent terms which were never acted upon. It is submitted that the issue involved in the criminal application were already dealt with in the civil proceedings for eviction of the premises.

2. Issue notice to respondent no.1 returnable on 3rd September 2018. Learned APP waives service for respondent-State. In the meantime, there shall be ad-interim relief in terms of prayer clause (b) till next date of hearing. Stand over to 3rd September 2018.

(PRAKASH D. NAIK, J.)