

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Criminal Writ Petition No.4416 of 2025
With
Criminal Writ Petition No.4431 of 2025
With
Criminal Writ Petition No.4432 of 2025
With
Criminal Writ Petition No.4433 of 2025
With
Criminal Writ Petition No.4428 of 2025

Everest Photo Offset Ltd. And others ... Petitioners
V/s.
The State of Maharashtra and anr. ... Respondents

Mr. Shaunak Sawant a/aw. Nitin Morajkar i/b. Vidhi Partners	Advocates for the Petitioners.
Mr. H.J. Dedhia	APP for the State.

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CORAM : S.M. MODAK, J

DATE : 03rd September 2025.

P.C. :

Heard learned Advocate for the Petitioners-accused facing prosecution under Section 138 of the Negotiable Instrument act. On 15th March 2023 learned Metropolitan Magistrate, Girgaon has passed no cross order against these accused persons which is on Page-28 in all the petitions. In fact there was a request to keep back the matter. Instead of keeping back the matter, learned Magistrate has

closed the cross-examination. When an application was filed for recalling in 5 separate complaints it was rejected by detail order on 18th July 2024 (Page-29). The learned Magistrate has given several reasons including the observations by this Court in the case of ***Somnath Sharad Mandrekar vs Ms. Patricia Reiter*** in Criminal Writ Petition No.90 of 2023 decided on 28/02/2023 (Para-11, Page-31) and also referred to observations made by Hon'ble Supreme Court in case of ***Indian Bank Association v/s. Union of India***¹.

2. It is true the similar orders passed are under challenge before this Court in other writ petitions. There are also other writ petitions challenging the similar orders. This Court has fixed those matters for hearing on 8th October 2025. Now the matter is before the trial Court for final arguments on 18th September 2025.

3. Issue notice to Respondent No.2, returnable on **30th September 2025**. Private notice is allowed. Service affidavit be filed. Till that time let the learned Magistrate to adjourn the hearing of these cases.

(S.M. MODAK, J.)

¹ Writ Petition (Civil) No.18/2013 dt. 21/01/2014