

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

**CRIMINAL APPLICATION NO. 781 OF 2022
WITH
CRIMINAL APPLICATION NO. 783 OF 2022
WITH
CRIMINAL APPLICATION NO. 785 OF 2022**

Anees Nisar Ahmed ...Applicant
Versus
State Of Maharashtra And Anr. ...Respondents

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Mr. Prashant Pandey with Irfan Unwala, Darshit Jain, Aiwsn Z. Memon i/by W3 Legal LLP, Advocate for the Applicant.

Mr. Arfan Sait, APP for the Respondent - State in Cri. Application No.781/2022.

Mr. A. R. Patil, APP for the Respondent - State in Cri. Application No.783/2022.

Mr. S. R. Agarkar, APP for the Respondent - State in Cri. Application No.785/2022.

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CORAM : PRAKASH D. NAIK, J.

DATE : 7th SEPTEMBER, 2022

PC :

1. The applicant in all these applications is being prosecuted for offence punishable under Section 138 of Negotiable Instruments Act. She is being impleaded as accused No.3 in the impugned proceedings. Learned Metropolitan Magistrate 14th Court, Girgaon, Mumbai has issued process under Section 138 read with Section 141 of the Negotiable Instruments Act, 1881 against the applicant.

2. Learned advocate for applicant submitted that contents of the applicant does not specify the role played by applicant. She is the mother of accused No.2. She is not signatory to the cheque. There is no material to invoke Section 141 of Negotiable Instruments Act. She is senior citizen aged around 77 years and suffering from terminal disease.

3. Considering the above submission, I pass the following order.

ORDER

(i) Issue notice to respondent No.2 in all applications, returnable on 17.10.2022.

(ii) Till the next date of hearing, there shall be interim relief in terms of prayer clause (c) in all the applications.

(iii) Spare copy be supplied in the Registry, for issuing notice to respondent No.2.

(iv) In addition to Court notice, private notice is permitted.

(PRAKASH D. NAIK, J.)