



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

**CRIMINAL WRIT PETITION NO.532 OF 2024**

Asbab Maksud Anware

.....Petitioner

Versus

The State of Maharashtra

and another

.....Respondents

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Mr. Siddharth Jha, Advocate i/b. Ganesh Patil, Prasad Vartak,  
Ashish Saxena for the Petitioner.

Ms. Supriya Kak, APP for the Respondent No.1-State.

Mr. R.D. Suryawanshi, Advocate i/b. Rakesh Patil, for the  
Respondent No.2.

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**CORAM : SARANG V. KOTWAL &  
SHYAM C. CHANDAK, JJ.**

**DATE : 10<sup>th</sup> OCTOBER, 2025**

**P.C. :**

1. The learned counsel for the Petitioner states that in this matter the cognizance is taken. Therefore, in our opinion, it is necessary to challenge the order of taking cognizance. Learned counsel submitted that the matter is posted before the trial Court for framing of the charges on 13.10.2025. As the Petition is pending since 2024, it is necessary to give some reasonable time to the learned counsel for the Petitioner to

take appropriate steps so that amendment be carried out and the matter be placed before the Single Judge.

2. Hence leave is granted to the learned counsel for the Petitioner for the following purposes

- i. to annex a copy of the order taking cognizance;
- ii. to add a prayer for challenging the order taking cognizance; and
- iii. to add certain grounds for challenging the order taking cognizance.

3. Amendment be carried out within a period of three weeks from today. After the amendment is carried out, the matter be placed before a Single Judge Bench in consonance with the order passed on 9.9.2025 in Writ Petition No.2056/2025 and the order passed on 11.9.2025 in Writ Petition No.3901/2021.

4. It is noticed that this matter is filed only under Section 482 of Cr.PC.. Therefore, it should not have been lodged as a Criminal Writ Petition. The office to take steps to convert this Writ Petition into a suitable Application.

5. To carry out the amendment and to follow this procedure some time will be required. Therefore, it is necessary that ad-interim protection is granted so that this matter does not become infructuous without the Petitioner availing an opportunity to present his case before the Single Judge Bench. Therefore, for a period of eight weeks, the trial Court shall not proceed against the Petitioner. Within that period, the learned counsel for the Petitioner shall take steps to get this matter circulated before the Single Judge Bench. It is needless to add that once the order of taking cognizance is set aside as a consequence thereof even the FIR and the charge-sheet does not survive. In any case, a Single Judge Bench of this Court also has full powers under Section 482 of Cr.PC. and under Section 528 of BNSS to quash and set aside the FIR and the chargesheet.

( SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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