



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 725 OF 2026

Bank of India

...Petitioner

Versus

M/s. Aditi Enterprises And Others.

...Respondents

Mr. Aditya S. Raktade a/w Mr. Sanket Patil, Mr. Sudhir Patil, for the Petitioner.

Mr. Avinash A. Naik AGP for the Respondent-State.

**CORAM : SHARMILA U. DESHMUKH &
ABHAY J. MANTRI, JJ.**

DATE : OCTOBER 19, 2026

P. C. :

1. By the present Petition, the Petitioner seeks a direction to the learned Chief Judicial Magistrate, Ratnagiri to dispose of Criminal Miscellaneous Application No.263 of 2025 filed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ("**SARFAESI Act**").
2. The application under Section 14 of the SARFAESI Act was filed on 22nd December, 2025 and thereafter has been adjourned for the reply of the borrowers, hearing, arguments, etc.
3. Learned counsel appearing for the Petitioner submits that the arguments were heard on four occasions, i.e. 13th June, 2026, 20th June,

2026, 4th July, 2026 and 1st August, 2026, and thereafter there is no adjudication. He therefore seeks a direction to the learned Chief Judicial Magistrate to decide the application in a time-bound manner.

4. Perusal of Section 14 of the SARFAESI Act would indicate that after necessary compliances as enumerated in Section 14 of the SARFAESI Act, the Chief Metropolitan Magistrate is required to pass suitable orders for taking possession of the secured asset within a period of 30 days from the date of the application, which can be extended, for reasons to be recorded, for a further period not exceeding in aggregate 60 days. In the present case, the application has been filed on 22nd December, 2025 and till date has not been adjudicated. There is therefore substance in the submission of learned counsel for the Petitioner that the application is being delayed beyond the statutory limitation.

5. Perusal of the *Roznama* dated 17th October, 2026 before the Additional Chief Judicial Magistrate Court would indicate that an application was filed on the said date by the Respondent seeking adjournment, and for the purpose of the say of the Petitioner, the matter has been adjourned to 20th November, 2026. Such a course is unknown to law. If an application for adjournment is filed, the same is required to be decided on the same day itself, and there is no question of seeking say of the other side and for the said purpose to adjourn the

matter. Further, we find that the matter has been adjourned by a period of almost one month, i.e. on 20th November, 2026. The provisions of Section 14 of the SARFAESI Act are very clear, and it is expected that the timelines prescribed in Section 14 would be adhered to by the Chief Judicial Magistrate. At this stage, we say nothing further.

6. Considering the provisions of the SARFAESI Act, as the period of 30 days and even the extended period of 60 days has since long passed, the Petition is allowed by directing the learned Additional Chief Judicial Magistrate before whom the application under Section 14 of the SARFAESI Act is pending, to decide the same on the adjourned date, i.e. 20th November, 2026.

7. As we have directed the application to be decided on 20th November, 2026, it is open for the Petitioner to move an application before the learned Additional Chief Judicial Magistrate seeking preponement of the date.

8. The learned Additional Chief Judicial Magistrate is directed to ensure that in any event, the order under Section 14 of the SARFAESI Act is passed on or before 20th November, 2026.

[ABHAY J. MANTRI, J.]

[SHARMILA U. DESHMUKH, J.]