

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

CRIMINAL APPLICATION NO. 135 OF 2015

Artiskinky Motion Pictures Pvt. Ltd.
and others.

... Applicants/
Petitioners.

V/s.

The State of Maharashtra & Anr.

... Respondents.

Mr. V. X. D'Silva for the Applicants.
Mrs. P. P. Bhosale, APP for the State.
Mr. A.R.Millwala for Respondent No.2.

CORAM : M.L.TAHALIYANI,J.
DATE : 19th MARCH, 2015

P.C. :

1 Heard the learned counsel for the Applicants/
Petitioners and learned Advocate for the Respondent No.2.

2 Perused the impugned order. The learned
Magistrate should not have rejected the application for recall of
witness because the witness was already partly examined.
However, at the same time, I have taken note of the conduct of
the Petitioner Nos. 2 and 3. I, therefore, pass the following
order.

- i. The order passed by the learned Magistrate,
rejecting the application for recall of PW-2 is set aside.

ii. The learned Magistrate shall recall PW-2 and allow the petitioners' counsel to cross examine PW-2.

iii. Hearing of the case is expedited. Criminal case be disposed of within a period of one month from today.

A cost of Rs.5000/- is imposed on the petitioners to be paid to respondent no.2.

3 Criminal Application stands disposed of in the above terms.

(JUDGE)

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