

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 180 OF 2015

Smt. Falke Shweta Roshan .. Applicant

Versus

Kokan Mercantile Co-op. Bank through
its authorized officer Rashida Ismail Shaikh.. Respondent

Mr. Rahul Karnik i/b Sahil Mahajan, Advocate for the applicant
Mr. Vikas K. Singh i/b Lambay & Co., Advocate for
respondent No. 1.

Smt. A. A. Mane, APP for the respondent-State.

CORAM:-M.L. TAHALIYANI,J.
DATED : -27/02/2015

P.C.

Admitted. By consent of the parties, taken up
forthwith for final hearing.

2 Heard the learned counsel for the applicant,
learned counsel for respondent No. 1 and learned APP for the
respondent-State.

3 This criminal application impugns the order

passed by the learned Metropolitan Magistrate in Criminal Case No. 1026/SS/2013, pending on the file of 71st Court, Mazgaon, Mumbai. The applicant is the accused in the said case. Respondent No. 1 - Kokan Mercantile Co-op. Bank is the complainant. It appears that the witness, who was examined on behalf of the respondent No. 1 has produced certain documents which did not belong to the case before the Magistrate and pertained to some other case u/s 138 of the Negotiable Instruments Act. It further appears that during the course of cross-examination of the witness, the complainant/respondent No. 1 realized that wrong documents were produced before the Court. Therefore, an application for filing additional affidavit of witness has been made which has been granted by the learned Magistrate.

4 I have gone through the order of the learned Magistrate. The learned Magistrate has rightly said that it was purely a mistake on the part of the respondent No. 1 and that, if

additional affidavit is filed, the applicant will have opportunity to further cross-examine the witness and as such no prejudice will be caused to the applicant. The order of the learned Magistrate, in my opinion, is correct and does not call for any interference.

5 I do not find any merits in the application. The application stands dismissed.

(JUDGE)

md.saleem