

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.891 OF 2015

Dr. Vijay Deepnarayan Pandey

...Petitioner

Versus

The State of Maharashtra & Ors.

.... Respondents

Ms Anita Vasant i/b Mr. Omprakash Pandey for Petitioner.

Mr. A.R. Patil, APP for Respondent No.1-State.

CORAM:-M.L. TAHALIYANI, J.

DATED : 20th MARCH, 2015.

P.C.

Heard learned counsel for the Petitioner and learned APP
for the Respondent No.1-State.

2. Petitioner is facing trial for the offence punishable under section 420 of the IPC in Regular Criminal Case No.528 of 2011 pending in the Court of J.M.F.C., Thane. Evidence of prosecution is fully recorded. The statement of the Petitioner has also been recorded under section 313 of the Criminal Procedure Code. It seems that Respondent / prosecution had filed an application for examining additional witness i.e. Bank Manager to prove the Bank memo which indicated that the cheque issued by the Petitioner was dishonoured

because the payment was stopped by the Petitioner. Learned Magistrate after hearing both the sides granted the prayer of Respondent No.1.

3. Learned counsel for the Petitioner has submitted that there was no necessity to examine the witness and it will be nothing but waste of time. My attention was invited to the statement of Petitioner recorded under section 313 of the Criminal Procedure Code by the learned Magistrate. The Petitioner has admitted in his statement that one of the cheques was dishonoured for want of sufficient funds and remaining two cheques were dishonoured because the payment was stopped. In view of the admission on the part of the Petitioner there was no necessity to examine the witness from Bank. In my opinion learned Magistrate has unnecessarily wasted lot of time in doing this exercise.

4. Result is that order passed by the learned Magistrate below Exh.37 in Regular Criminal Case No.528 of 2011 is set aside. Trial Court to proceed further in accordance with law.

5. Writ Petition stands disposed of accordingly.

(JUDGE)