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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 307 OF 2015**

Bata India Limited ... Applicants

Versus

State of Maharashtra ... Respondent

Mr. Shyam Dewani with Mr. Chirag Chanani i/by M/s. Dewani & Associates
for the applicants.

Smt. P.P. Bhosale, A.P.P. for State.

**CORAM : M.L. TAHALIYANI, J.
DATED : APRIL 07, 2015**

P.C.

Admit. Heard finally.

2. Heard learned counsel for the applicant and learned A.P.P. for state.

3. Perused the impugned order dated 24th March, 2015. It appears from the order that the learned Magistrate was determined to dismiss the application for some or the other reasons and he did not want to give hearing to the applicant. This court had earlier observed that the learned Magistrate appears to be in habit of flouting the orders of the High Court. The impugned order confirms the view expressed by this court. As far as conduct

of the Magistrate is concerned, that will be taken care of separately on Administrative Side. As regards the merit of the case, it is obvious that the applicant needs to be heard. The learned A.P.P. also supports the view of the court and submits that this court may direct the Magistrate to hear the application afresh. Considering the facts of the case and the attitude of the Magistrate towards the applicant, it appears that the applicant may not get justice from the said Magistrate and therefore, it is necessary to withdraw the application pending before the said Magistrate (A.S. Pandherikar) and to assign the same to some other Magistrate. Hence, I pass the following order :

4. Revision application is allowed.

The order passed by the Metropolitan Magistrate, 44th court, Andheri in Criminal Case No.44/SW/15 dated 24th March, 2015 is set aside. Criminal Case No. 44/SW/15 is restored to file.

Learned Chief Metropolitan Magistrate is directed to withdraw the said proceedings pending in the court of 44th Court, Andheri and assign the same to some other Magistrate at Andheri. The Magistrate to whom this case will be assigned, shall take note of the earlier orders passed by this court and act accordingly. Present application stands disposed of.

(JUDGE)