

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

CRI. WRIT PETITION NO. 3350 OF 2015

M/s. Manisha Ispat

... Petitioner.

V/s.

State of Maharashtra & Anr.

... Respondents.

Mr. Devashish Shukla i/by Legal Assistance for the Petitioner.
Mr. A. S. Shitole, APP for the State.

CORAM : A.V. NIRGUDE, J.

DATE : 09th DECEMBER, 2015.

P.C. :

1 This writ petition challenges the orders passed by the courts below.

2 Facts leading to this petition are as under :

Petitioner is the complainant and respondent no.2 is the accused in a case involving bouncing of cheques, leading to prosecution of the accused for offence punishable under section 138 of the Negotiable Instruments Act. The respondent - accused remained absent at the stage of statement under section 313 of the Cr.P.C.. The learned Magistrate ordered the case to proceed without recording statement of the accused under section 313 of the Evidence Act. Subsequently,

respondent -accused appeared before the court and he was permitted to participate in the trial proceedings on payment of certain cost. The petitioner - applicant challenged this order before the learned Sessions Judge but he too dismissed the revision application. I am also inclined to dismiss his petition.

3 The learned counsel for the petitioner placed reliance on the judgment of the Supreme Court in the case of **Adalat Prasad vs. Rooplal Jindal**, reported in LAWS (SC) 2005(5)-12. I am not inclined to examine the point of law raised at the bar, mainly because I am concerned with the trial and its conclusion. I am also concerned with the fate of the case, which might go in favour of the petitioner/ applicant himself.

4 The trial of the case should take place as per law and the petitioner should not interfere with any such process. There is no substance in the petition. Dismissed.

(A.V. NIRGUDE, J.)

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