

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

**CRIMINAL APPLICATION NO. 922 OF 2015**

**Mahesh Ramchandra Satoskar .. Applicant**

**v/s.**

**Ameya Infotainment Pvt. Ltd. & Anr. ..Respondents**

Mr. Chetan Akerkar for the applicant  
Mr. Prashant G. Badole i/b M.V. Adate for the respondent no.1  
Mr. Rajesh More, APP for respondent State

**CORAM: SMT. ANUJA PRABHUDESSAI, J.  
DATED: 6<sup>th</sup> OCTOBER, 2015.**

**P.C.**

1. Heard learned Counsel for the respective parties. Rule. By consent, rule is made returnable forthwith.

2. By this application, the applicant has challenged the impugned order dated 6<sup>th</sup> August, 2015 whereby the learned Magistrate, 44<sup>th</sup> Court, Andheri, Mumbai has dismissed the application for examination of defence witness, solely on the ground that the witness was present in the Court hall during the course of recording of evidence. The record reveals that the

evidence of the complainant had commenced in the year 2009 and had concluded in the year 2014, whereas the application for examining the defence witness was filed on 7<sup>th</sup> January, 2015. The learned Magistrate was not justified in dismissing the application either on law or facts. The impugned order reflects total non-application of mind and the same cannot be sustained.

3. Hence, the application is allowed. The impugned order dated 6<sup>th</sup> August, 2015 passed by the learned Metropolitan Magistrate, 44<sup>th</sup> Court, Andheri, Mumbai in C.C. No.104/SS/2008 is quashed and set aside.

4. The learned Magistrate is directed to proceed with the case in accordance with law. Considering the fact that the complaint is of the year 2008, the learned Magistrate is directed to dispose of the same within a period of 6 months from the date of the receipt of the copy of this order. Both parties are directed to appear

before the trial Court on 14<sup>th</sup> October, 2015 at 11.00 a.m.

5. Parties to act on an authenticated copy of this order.

**(ANUJA PRABHUDESSAI, J.)**

***Certificate***

Certified to be true and correct copy of the original signed  
judgment / order.