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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4224 OF 2014**

Airport Authority of India

... Petitioner

Versus

Kingfisher Airlines Limited and Ors.

... Respondents

**Mr. Anil Kathuria along with Mr. Gobinda C. Mohanty i/by M.V. Kini & Co.
for the petitioner.**

Mr. Niranjana Mundargi for respondent no. 1.

Ms. G.P. Mulekar, A.P.P. for the State.

**CORAM : M.L. TAHALIYANI, J.
DATED : JULY 01, 2015**

P.C.

Admit. Heard finally.

2. Heard both sides.

3. It appears that though respondent no. 1 wanted to give application in consonance with the cross examination of PW No. 1 for production of certain documents, the documents prayed to be produced as per clause 9 of the application are different documents. It appears from the order of the learned Magistrate that he has not taken into consideration as to how the bank statements of the petitioner can be relevant in the cross examination of PW no. 1.

4. At this stage, learned counsel Mr. Mundergi submits that if this court is inclined to set aside the order of the Magistrate, liberty may be given to respondent to file a fresh application for production of documents mentioned in the earlier application and any other documents.

5. In view of the statement of the learned counsel Mr. Mundergi, order passed by the learned Magistrate below Exh. 128 in Criminal Case No. 94/SW/2012 is set aside.

6. Respondent no. 2 is at liberty to make a fresh application for production of documents by specifically stating reasons for the production of particular documents.

7. Learned Magistrate shall examine the prayer of respondent no. 1 and shall pass reasoned order on the same.

Writ petition stands disposed off accordingly.

(JUDGE)