

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

CRI. WRIT PETITION NO. 4313 OF 2014

Shri Sai Sales & Services

... Petitioner.

V/s.

State of Maharashtra & Anr.

... Respondents.

Mr.Vishwanath Patil, Advocate i/by Ashwin C. Hawelikar for
the Petitioner.

Smt. A. A. Mane, APP for the State.

Mr. Sachin R. Pawar, Advocate for Respondent No.2.

CORAM : M.L.TAHALIYANI,J.

DATE : 22nd JULY, 2015

P.C. :

1 Admit. Heard finally.

2 Heard the learned counsel for the Petitioner,
learned counsel for respondent no.2 and the learned APP for
the State.

3 The petitioner is accused in criminal case no. 2179
of 2013 pending in the court of Judicial Magistrate, First Class
at Pune and is facing trial for the offence punishable under
section 138 of the Negotiable Instruments Act. Respondent
No. 2 are the complainant. PW-1 has been examined on behalf
of respondent no.2. It appears that one document which is
exhibited as Exh.16 was introduced in the evidence in the

examination-in-chief of PW-1. Thereafter, the PW-1 was cross-examined by the learned Advocate for the petitioner. However, there was no cross-examination on the document at Exh.16. In fact, the witness could have been cross-examined if the petitioner disputed the authenticity of Exh.16. The learned counsel for the petitioner submits that the petitioner wanted to apply for de-exhibiting the document and, therefore, their counsel did not cross-examine the witness on Exh. 16. This reason does not appeal to the court. However, it may be noted here that grant of permission to the petitioner/accused for cross-examination of PW-1 to the limited extent of cross-examining him on Exh. 16 will not cause any prejudice to the respondent no.2 - original complainant.

4 In the result, the writ petition is allowed.

5 The trial court is directed to allow the petitioner to cross-examine PW-1 to the limited extent on the document at Exh. 16.

6 The cost of Rs. 2000/- is imposed on the petitioner to be paid to respondent no.2 in the trial court on the next date of hearing.

7 This writ petition stands disposed of.

(JUDGE)