

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 644 OF 2016

SARIKA W/O NARENDRA BHISE
VERSUS
NARENDRA S/O PANDURANG BHISE AND OTHER

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Advocate for Petitioner : Shri Joshi Sarang P.
Advocate for Respondent 1 : Shri Nagargoje P.M.
Advocate for Respondent 2 to 6 : Shri Andhale S.R.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: July 01, 2016
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PER COURT :-

1. Pursuant to the order dated 22.6.2016, the petitioner submits that in so far as application Exhibit 134 is concerned, the petitioner would not seek examination of the Branch Manager of the State Bank of India and the Manager of Aegis Protection Private Limited.
2. This matter is heard for sometime. Learned Advocates for the respondents submit that rather than spending time in litigation over the impugned order, the respondents do not mind giving a consent for Dr. Gurwale, ENT Surgeon, Civil Hospital, Ahmednagar to be examined on a particular date, subject to the condition that no adjournment would be sought and costs of Rs.5,000/- be paid to each of the respondents.
3. Shri Joshi, learned Advocate for the petitioner submits that the petitioner is working on contract basis in a Civil Hospital and draws a gross salary of Rs.9,000/-. She has to take care of herself as well as a child and is not able to pay such costs.
4. In the light of the above, considering the statements of the parties, the impugned order dated 5.4.2016 is partly set aside only to the extent of permitting the petitioner to examine Dr. Gurwale on / or before 22.7.2016

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in the matter before the trial Court.

5. As such, this petition is partly allowed. The petitioner is permitted to examine Dr. Gurwale on / or before 22.7.2016 and shall not seek any adjournment, thereafter. Exhibit 135, therefore, stands partly allowed. Needless to state, the impugned order of the learned Magistrate dated 5.4.2016, to the extent of rejecting the request of the petitioner for examining the Branch Manager of State Bank of India and the Manager of Aegis Protection Private Limited, is sustained.

6. The petitioner shall pay costs of Rs.500/- to each of the six respondents, by depositing the said amount before the learned Magistrate within four weeks from today and, which, the respondents can withdraw without conditions.

7. Parties are at liberty to request the Court for early disposal.

(RAVINDRA V. GHUGE, J.)

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