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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 409 OF 2016

Dr Viral Ramesh Desai & Anr ..Petitioners.

Vs

Dr Sejal Desai & Ors ..Respondents.

Mr A.H.Ponda i/by Nankani & Associates for the petitioners.
Mr Rajendra Rathod for the Respondents No.1 to 3.
Mr Deepak Thakare, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.
DATE : 28th March, 2016

P.C.

1. By the present petition filed under Article 226 of the Constitution of India, the petitioners who are the husband and mother-in-law of the respondent no.1, have questioned the correctness of the order dated 5.12.2015 passed by the Additional Chief Metropolitan Magistrate, 22nd Court, Andheri, Mumbai, below Exh.1 in CC No.197/DV/2015, thereby rejecting the application of the petitioners to cross-examine the respondent no.1/original applicant who has filed affidavit in support of her plea of territorial jurisdiction.

2. The learned counsel appearing for the respondents no. 1 to 3, on instructions, fairly conceded to the fact that the petitioners

herein may be permitted to cross-examine the respondent no.1 and other witnesses, with a view to avoid protraction of the litigation and to expedite the hearing of the proceeding. The said concession is accepted as a statement given to this Court. In view of the concession given by the learned counsel for the respondents no. 1 to 3, the impugned order dated 5.12.2015 is set aside and the petitioners herein are permitted to cross-examine the respondent no.1 and other witnesses, in view of the affidavits filed in support of the plea of territorial jurisdiction.

3. The petition is allowed in the aforesaid terms.

(A.S.GADKARI, J.)