

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1466 OF 2016

Wahidabegum Sayyad Liyakat Kazi....	Petitioner
vs.	
Abubakar Bapusaheb Mulani & Anr.....	Respondents

Mr. S.A.Rajeshirke a/w Mr. Prabhakar M. Jadhav, Advocate for the petitioner.

Mr. Sagar A. Joshi for respondent No.1.

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

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 25th July, 2016.

P.C.

1. Rule. Rule made returnable forthwith with the consent of the parties.

2. The petitioner herein happens to be the original complainant in Misc. Application No.464 of 2007. The claim of the petitioner is that certain documents were filed along with the complaint as well as along with the affidavit of evidence. They were original documents. The said documents were exhibited. The respondent had challenged the exhibition of the said documents without there being

any substantive evidence to that effect and had filed Criminal Writ Petition No.3528 of 2015 which was finally decided by an order dated 18.1.2016. The petitioner, who happens to be the respondent in the present petition was permitted to cross-examine the complainant by giving a fair opportunity in respect of the said documents and thereafter, the trial Court was to decide afresh whether these documents are to be exhibited or not. Needless to say that by the said order, the documents were de-exhibited. Thereafter, the petitioner had filed an application before on 29.2.2016 seeking permission from the Court to examine some witnesses to prove some documents.

3. The learned Magistrate has rightly rejected the application on the ground that there was no such observation by the Hon'ble High Court. The learned Magistrate has also rightly held that the petitioner is bound by the orders of the Hon'ble High Court. The learned Magistrate has observed that in that eventuality, it would amount to contempt of Court by her.

4. It is pertinent to note that in the application filed by the

complainant, there was no specific averment as to who were the witnesses to be examined and the purpose for which they were to be examined as well as the description of the documents which were to be proved by the said witnesses. Needless to say that the application was vague and there were no specific averments and hence no fault can be found with the impugned order passed by the learned magistrate dated 16.3.2016. The said application has been rightly rejected as the learned Magistrate would have no clear idea as to who were the proposed witnesses to be examined by the complainant. Hence, no interference is called for.

5. The Petition stands dismissed being sans merits. However, the petitioner being a woman is at liberty to file a fresh application which shall be considered on its own merits in accordance with law. Needless to say that the interim relief granted by this Court vide order dated 5.5.2016 stands vacated. Rule is discharged.

(SMT. SADHANA S.JADHAV, J.)