

Anand

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

**CRIMINAL APPLICATION NO.799 OF 2016
WITH
CRIMINAL APPLICATION NO.800 OF 2016**

Gurinder Singh Kahlon .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr.V.Gupta i/b. Mr.A.R.Pandey, Advocate, for the
Applicant

Ms Pallavi Dabholkar, APP, for the Respondent
No.1 – State

Mr.N.S.Das, Advocate, for the Respondent No.2

CORAM : REVATI MOHITE DERE, J.

DATE : 26.10.2016

P.C.

. Heard learned counsel for the parties.

2. By these Applications, the Applicant
has impugned the order dated 09.06.2016 passed
by the learned Metropolitan Magistrate, 6th Court
(Mazgaon), Sewree, Mumbai, below Exh.59 & Exh.45
in C.C.No.2471 and 2472/SS/2005.

3. Learned counsel for the Applicant submitted that the trial Court could not have rectified and replaced the record of one file in another.

4. Perused the papers.

5. It appears that there were two complaints filed by Respondent No.2 (Original Complainant). Evidence was led in both the cases. Thereafter, after the statement under Section 313 of the Code of Criminal Procedure was recorded, the Respondent No.2 (Original Complainant) realized that the evidence of the C. C. No. 2471/SS/2005 was placed in C. C. No. 2472/SS/2005; whereas the evidence of C. C. No. 2472/SS/2005 was placed inadvertently in C. C. No. 2471/SS/2005. Hence, the Respondent No.2(Original Complainant) preferred an Application seeking to rectify the said mistake. The said Application was rightly allowed by the

learned Magistrate. There is no prejudice which is caused to the Applicant. No interference is warranted in the impugned order.

6. The Applications are accordingly dismissed.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)