

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL REVISION APPLICATION NO. 11 OF 2016

(LAXMAN TUKARAM DURGE..VS..STATE OF MAH. THR. PSO KOTWALI, NAGPUR)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : MARCH 02, 2016.

Heard Shri M.K.Kulkarni, advocate for the
applicant and Ms Ritu Kalia, A.P.P. for the non-applicant.

The applicant has challenged the order passed by
the learned Magistrate on the application (Exh.92) rejecting
the prayer of the applicant (accused) to discard the evidence
of the prosecution.

The applicant had filed application (Exh.91)
seeking permission to cross-examine the witnesses of the
prosecution. This application came to be allowed by the
learned Magistrate subject to payment of costs of Rs.2,000/-.
The learned advocate for the applicant has submitted that the
applicant could not pay the amount of costs within the
stipulated time and therefore, opportunity to cross-examine
the witnesses of the prosecution is lost.

After arguing for some time, the learned advocate
for the applicant, on instructions, seeks permission to
withdraw the revision application with liberty to file an
application before the learned Magistrate seeking extension of
time to deposit the amount of costs.

The revision application is disposed of as withdrawn with liberty to file application before the learned Magistrate seeking extension of time to deposit the amount of costs.

If the application praying for extension of time to deposit the amount of costs is filed till 16th March, 2016, the learned Magistrate may consider the application on its merits. If the application is not filed till 16th March, 2016, the learned Magistrate shall proceed in the matter.

The operation of the order passed by the learned Magistrate on the application (Exh.92) shall depend on the order which may be passed on the application to be filed by the applicant praying for extension of time to deposit the amount of costs.

JUDGE

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