

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

WRIT PETITION NO. 3746 OF 2016

Mr. Sumeet G. Bachewar

....Petitioner

Versus

Mr. Sanjay R. Dhulani & Anr.

....Respondents

Mr. Meghashyam Kocharekar i/b. Abhijeet Y. Patil for the petitioner.

Ms. Krupali H. Rajani for respondent no.1.

Mr. M.G. Patil, APP for the State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 06th NOVEMBER, 2017

P.C. :

1. The petitioner herein has challenged the order dated 01st October, 2016 whereby the learned Judicial Magistrate First Class, Vashi, Navi Mumbai had dismissed the application for recall of the witness no.1 for further cross-examination.

2. Heard Mr. Meghashyam Kocharekar, learned counsel for the petitioner, Ms. Krupali Rajani for respondent no.1 and Mr. M.G. Patil, the learned APP for the State.

3. The petitioner herein is an accused in Summary Criminal Case No. 3280 of 2009 for offence punishable under Section 138 of Negotiable Instruments Act. By an application dated 01st October, 2016, the applicant herein had sought to recall the complainant i.e.

witness no.1 for further cross-examination. The only reason for recall was that the application filed by the petitioner/accused for clubbing the matters was pending. It is not in dispute that by subsequent order, four complaints have already been clubbed. The petitioner has not disclosed any other reason for recall of the witness whose evidence was recorded way back in the year 2013. The Writ Petition has no merits and is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)