

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 146 OF 2018**

Puneet Kumar Rungta

...Petitioner

Versus

Union of India (through the CBI,
EOW, Mumbai) & Anr.

...Respondents

Ms. Gunjan Mangla a/w Ms. Siya Chaudhry for the Petitioner

Mr. Shishir Hiray, Spl. P.P. for the Respondent No.1-CBI

Mr. S. R. Shinde, A.P.P for the Respondent No.2-State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 23rd JANUARY, 2018

P.C. :

1 Heard learned counsel for the parties.

2 By this petition, the petitioner has impugned the order dated 5th January, 2018 passed by the learned Additional Chief Metropolitan Magistrate, 3rd Court, Esplanade, Mumbai, by which the learned Judge did not permit the petitioner's advocate to cross-examine P.W. 1-Mr. B. Ganesh Kamat. Learned counsel for the petitioner submitted that she was instructed to appear for the petitioner and that it was the first date when she appeared before the learned Judge and sought an adjournment on the said

ground. She submitted that the learned Judge was pleased to reject the said application for adjournment, as the witness was from Bangalore.

3 Perused the papers. The evidence of PW-1 was recorded on 5th January, 2018, on which date, the petitioner's advocate filed her vakalatnama and sought a short adjournment. The learned Judge was pleased to reject the said application for adjournment, as the witness was from Bangalore. As a result of the rejection of the application, the petitioner's right to cross-examine the witness was taken away. In the peculiar facts of this case, the impugned order cannot be sustained. The learned Judge ought to have given an opportunity to the petitioner, by posting the matter on the next date. As the adjournment application was rejected, the advocate could not cross-examine the witness i.e. PW 1.

4 Accordingly, the petition is allowed and the advocate for the petitioner is permitted to cross-examine PW-1 on 2nd February, 2018 or on such date as is convenient to the Court. The petitioner shall cooperate in the conduct of the trial.

- 5 Petition is disposed of on the above terms.
- 6 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.