

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.538 OF 2018

M/s.Sunrise Agencies and others	Petitioners
versus	
M/s.Pepe Jeans India Pvt.Ltd. and another	Respondents

Mr.Yashpal Thakur for petitioners.
Mr.M.S.Mohite for respondent no.1.
Mrs.N.S.Jain, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 7th June 2018

PC :

1. The petitioners are aggrieved by order passed on the application Exhibit-60 preferred under Section 294 of Cr.PC.. On 18th September 2017 the Trial Court had passed an order of 'no say'. Against the said order, the applicant preferred revision application before the Sessions Court which has been dismissed by order dated 9th January 2018. Mr.Mohite on instructions submits that application u/s 294 of Cr.PC preferred vide Exhibit-60 would be withdrawn. In the light of this statement, the prayer in that regard as sought in this petition does not survive.

2. The other grievance of the petitioners was related to affidavit filed by the respondent which is allegedly not in accordance with law. Mr.Mohite, on instructions, submits that the said affidavit will also be withdrawn. However, he seeks liberty to file a fresh affidavit of evidence.

3. In view of above statements made by Mr.Mohite, the application u/s 294 of Cr.P.C vide Exhibit-60 stands withdrawn. The respondent no.1 is permitted to withdraw affidavit-of-evidence and file a fresh affidavit-of-evidence in accordance with law.

4. Mr.Mohite states that the trial is pending since 2013. The complaint is filed for offence u/s 138 of Negotiable Instruments Act. It is therefore prayed that hearing of the trial may be expedited. In the circumstances, the Trial Court is directed to dispose off the proceedings as expeditiously as possible.

(PRAKASH D. NAIK, J.)

MST