

Vidya Amin.

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

WRIT PETITION NO. 2576 OF 2018

Shweta Suhas Shinde ... Petitioner
vs.
The State of Maharashtra & Anr. ... Respondents

Mr. Madan Gupta, Advocate for the petitioner.
Mr. Suraj S. Hulke, APP for the respondent no. 1/State.
Ms. Anita Murgude, Advocate for respondent no. 2.

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: 16th October, 2018**

P.C. :

Rule. Rule made returnable forthwith. By consent, the Writ Petition is heard finally and decided at the stage of admission.

2. In this Writ Petition, the order dated 7th June, 2018 thereby rejecting the prayer of the accused to call the complainant for further cross-examination is challenged.

3. It is the case under section 138 of Negotiable Instruments Act. The petitioner is the accused. Respondent no. 2 is the complainant whose examination-in-chief and cross-examination was over on 16th March, 2018. On 7th April, 2018, the Advocate for the accused placed application on record that the complainant/respondent no. 2 be called for further cross-

examination.

4. The learned counsel for the petitioner/accused submitted that he needs only half an hour to examine the witness and if the time of half an hour exceeds, then he shall be subjected to cost.

5. The learned counsel for the respondent no. 2/complainant opposed this Application.

6. In view of the submissions and considering the order passed by the learned Magistrate Court and also the time span between the closure of cross-examination and the application filed for recalling the witness, rule is made absolute in terms of prayer clause (a). The learned Magistrate to fix the time and date for the cross-examination of the complainant and on that date, both the parties shall cooperate. The cross-examination shall not exceed more than half an hour. Parties to appear before the Metropolitan Magistrate Court on 1st November, 2018 at 11 a.m.

7. Writ Petition is disposed of.

(MRIDULA BHATKAR, J.)