

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

WRIT PETITION No. 4649 OF 2018

Mr.Shilpi Amritlal Khimani

...Petitioner

Versus

M/s.Unibios Laboratories Ltd. & Anr.

...Respondents

...

Mr.Manoj Harit i/b. Manoj Harit and Company for the Petitioner.

Mr.Rishi Bhuta h/f. Mr.Manoj Katri for Respondent No.1.

Ms. Pallavi Dabolkar, APP for Respondent No.2-State.

...

CORAM : MRS. MRIDULA BHATKAR, J.

DATE : 29 NOVEMBER 2018

P.C.:

1. Rule. Rule made returnable forthwith. By consent of the parties, the Petition is heard finally and disposed of at the stage of admission.

2. In this Petition, the order dated 13.06.2018 passed by the learned Metropolitan Magistrate, 63rd Court, Andheri Mumbai, thereby directing the advocate to complete cross-examination and rejecting the time for further cross-examination, and also the order dated 01.10.2018 passed by the learned Metropolitan Magistrate, 63rd Court, Andheri, Mumbai, are challenged. The following order is passed on 01.10.2018 by the learned Magistrate :

“i. No evidence of accused.

ii.Matter be posted for final argument”.

3. The orders passed by the learned Magistrate cannot be said to be illegal, however, as the proceedings are not travelled further and the advocates are ready to go with the matter on merits, in all fairness, a full opportunity is given to the petitioner/ accused to cross-examine, on a condition of payment of costs of Rs. 3,000/- to respondent No.1. The matter is directed to be fixed on 5th December, 2018 for further cross-examination, which is to be concluded on the same day.

4. I am informed that the matter is fixed before the learned Magistrate on 30.11.2018. Hence, both the counsel to inform about this order to the learned Magistrate and the learned Magistrate to adjust his schedule, as directed above.

5. Writ Petition is allowed. Rule is made absolute in terms of prayer clause (II).

(MRIDULA BHATKAR, J.)