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

CRIMINAL WRIT PETITION NO.322 OF 2019

Surekha Vinod Sharma

...

Petitioner.

V/s.

Nirmal Bhagwandas Parwani

and anr

... Respondents

Mr. Siddheshwar N. Biradar, for the Petitioner.

Mr. A. R. Patil, APP for respondent State.

CORAM : MRS. MRIDULA BHATKAR, J.

DATE : 8th FEBRUARY, 2019.

P.C. :

1] Not on board.

2] Upon mentioning, taken on today's board.

3] In this Writ Petition, the petitioner has challenged the order dated 19.12.2018, passed by the 6th Joint Civil Judge Junior Division and Judicial Magistrate First Class, Ulhasnagar, in S.C.C. No.1276 of 2015, whereby Application filed by accused under Section 91 of Code of Criminal Procedure, has been rejected.

4] As the issue involved in the petition is short, there is no need to give notice to respondent No.1 complainant, as the trial is in progress.

5] The relevant observation made by the learned Judge in paragraph No.5 is, "If it is the defence of the accused then accused can establish his defence in his evidence". Thus, if at all if the accused wants to bring on record the fact that 141 cases are filed by complainant against accused and 10 cases are pending against him, this fact can be brought on record and further established by putting questions in the cross examination to the complainant as it is the defence of the accused.

6] Hence petition stands dismissed.

[MRS. MRIDULA BHATKAR, J.]