

Vidya Amin.

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

**CRIMINAL WRIT PETITION No. 624 OF 2019  
WITH  
CRIMINAL WRIT PETITION NO. 625 OF 2019**

Tri-way Consultants Pvt. Ltd. ... Petitioner  
vs.  
The State of Maharashtra & Ors. ... Respondents

Mr. Manish Bohra i/b. A.S. Khan & Associates, Advocate for the petitioner.

Mr. Yashpal Thakur, Advocate for respondents/original accused in both the Writ Petitions.

Mr. A.R. Patil, APP for respondent no. 1/State in both the Writ Petitions.

**CORAM: Mrs.MRIDULA BHATKAR, J.  
DATED: 20<sup>th</sup> February, 2019.**

**P.C. :**

Rule. Rule made returnable forthwith. By consent, the Writ Petitions are heard finally and disposed of at the stage of admission, as short issue is involved in both these Petitions.

2. The petitioner, who is the complainant, has invoked the powers of this Court under writ jurisdiction under Article 227 of the Constitution of India that the order dated 27<sup>th</sup> December, 2018 of rejecting the Application of the petitioner seeking adjournment for calling the witnesses and closure of the evidence is to be set

aside.

3. Perused the roznama dated 27<sup>th</sup> December, 2018. The learned Magistrate should have given time to the complainant to move the Application for issuance of summons to his witnesses.

Hence, I pass following order:

- (i) Writ Petitions are allowed;
- (ii) The impugned order dated 27<sup>th</sup> December, 2018 of rejecting the Application of the complainant for adjournment and keeping the matter for section 313 of Cr. P.C. is hereby set aside;
- (iii) The complainant may give Application with the names and addresses of the witnesses for issuance of summons;
- (iv) Parties to appear before the learned Magistrate on 3<sup>rd</sup> June, 2019. The matter to be taken on board on 3<sup>rd</sup> June, 2019 and the said Application for issuance of summons with the list of names and addresses of witnesses are to be placed, so that on the next scheduled date, i.e., 21<sup>st</sup> June, 2019 before the learned Magistrate, the summons can be served and the witnesses can come on 21<sup>st</sup> June, 2019.

**(MRIDULA BHATKAR, J.)**