

Vidya Amin.

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

CRIMINAL APPLICATION NO. 306 OF 2019

Swaran Salaria ... Applicant

VS.

The State of Maharashtra ... Respondent

Mr. Niteen Pradhan I/b. Shubhada D. Khot, Advocate for the applicant.

Mr. N.B. Patil, APP for the respondent/State.

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: 26th March, 2019

P.C. :

This Criminal Application is directed against the order dated 5th March, 2019 passed by the learned Metropolitan Magistrate, 71st Court, Bandra in C.C. No. 01/N.C/2015. The complainant has filed the Protest Note in the said Court and by the order dated 18th January, 2019 of the Division bench of this Court in Criminal Application No. 1085 of 2016, the parties were directed to appear before the trial Court for the hearing of the Protest Note. On 5th March, 2019, as per the submissions of learned counsel, advocate for the applicant/respondent No. 2 in the complaint was present and informed that the applicant is out of station.

2. On perusal of the order dated 5th March, 2019, it appears that two advocates, Mr. Avinash and Ms. Sushma Jadhav filed appearance on behalf of respondent No. 2 and therefore the learned Judge has taken a view that there is clear violation of direction of the High Court and therefore, directed to remain present.

3. The applicant, i.e., respondent No. 2 can file appearance through the advocate before the learned Magistrate, however, it is his duty to see that he is represented by only one advocate. The trial Court may proceed in absence of the applicant because yet the process is not issued by the learned Magistrate. The applicant may remain absent at the time of hearing of the Protest Note.

4. Criminal Application is disposed of.

(MRIDULA BHATKAR, J.)