

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3638 OF 2019
WITH
CRIMINAL WRIT PETITION NO. 3639 OF 2019
WITH
CRIMINAL WRIT PETITION NO. 3640 OF 2019
WITH
CRIMINAL WRIT PETITION NO. 3641 OF 2019
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CRIMINAL WRIT PETITION NO. 3642 OF 2019
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CRIMINAL WRIT PETITION NO. 3649 OF 2019
WITH
CRIMINAL WRIT PETITION NO. 3650 OF 2019
WITH
CRIMINAL WRIT PETITION NO. 3651 OF 2019
WITH
CRIMINAL WRIT PETITION NO. 3652 OF 2019
WITH
CRIMINAL WRIT PETITION NO. 3653 OF 2019

Prakash Ajgaonkar
Versus

...Petitioner

Municipal Corporation of Grater Mumbai
and Anr.

...Respondents

Mr. Niranjan Mundargi i/by. Mr. Prathamesh Samant for the Petitioners.

Mr. N.B. Patil, APP for Respondent – State.

Mr. Kunal Waghmare for the Respondent No. 1. - MCGM.

CORAM : S.S. SHINDE, J.

DATE : 03rd SEPTEMBER 2019

P.C.:

1. Heard learned counsel appearing for the Petitioners and learned counsel appearing for the contesting Respondent. Perused the impugned orders, in my opinion there is no reason to cause interference in the impugned orders passed by the Courts below. It appears that, merely because the Petitioners sought further legal opinion and realizing that certain questions were not asked to the witness - PW 1 in the Cross-examination, the application was filed to recall such witness for cross-examination. The trial Court advertent to the contentions raised in the application has made observations in paragraph no. 3 of the impugned order that, merely because the applicants i.e. petitioners herein sought the legal advice from the multiple sources, the application was preferred for recalling the witness for cross-examination. The Trial Court has also observed that, the applicant i.e. Petitioners herein, has not given the details in the application with respect to the proposed evidence and observed that, the application was vague and devoid of any merits and accordingly

same is rejected.

2. It is informed by the counsel appearing for the parties that already recording of evidence is completed and matter is posted for final arguments on 17th September 2019.

3. As already observed this Court is not inclined to entertain this Petitions however, one more opportunity needs to be given to the Petitioners to file an appropriate application afresh, before the Learned Metropolitan Magistrate's 41st Court at Shindewadi, Mumbai. Accordingly, liberty is granted to the Petitioners to file fresh applications before the Learned Metropolitan Magistrate's 41st Court at Shindewadi, Mumbai. Liberty granted to the Petitioners to file such application shall be availed on or before 6th September 2019.

In case said court is convinced by the reasons stated in the proposed applications, the Court may allow said applications subject to imposing costs. In case if no genuine reasons are forthcoming from applicants, in that case the concern Court would be at liberty to decide such applications on its own merits. With the above observations Writ Petitions stand rejected.

(S.S. SHINDE, J.)