

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO.4342 OF 2019**

**WITH**

**CRIMINAL WRIT PETITION NO.4343 OF 2019**

**WITH**

**CRIMINAL WRIT PETITION NO.4344 OF 2019**

**WITH**

**CRIMINAL WRIT PETITION NO.4345 OF 2019**

**M/S.SOFTGRIP POWER SOLUTIONS PVT. )  
LTD. AND OTHERS )...PETITIONERS**

**V/s.**

**ANCHOR ELECTRICALS PVT. LTD. & ANR. )...RESPONDENTS**

Mr.Abhishek Avachat a/w. Mr.Viraj Patole, Advocate for the  
Petitioners.

Mr.Vinod Chate, APP for the Respondent - State.

**CORAM : A. M. BADAR, J.**

**DATE : 10<sup>th</sup> OCTOBER 2019**

**P.C. :**

1 Heard the learned counsel for the petitioners. He  
submits that in one of the connected case, the accused is acquitted  
and taking him from the judgment in that case, the accused  
wanted to cross-examine the prosecution witness further, and as

such, an application came to be moved before the learned trial Magistrate for continuation of cross-examination of the prosecution witness. In his submission, the impugned order is wholly incorrect as intention behind moving the application was to recall the witness.

2 Perused the application moved by the petitioners/accused before the learned trial Magistrate. It is, infact, an application for permitting the petitioners/accused to cross-examine the witness.

3 The learned trial Magistrate has rightly observed that evidence of CW1 Chandrashekhar Kanse was over on 31<sup>st</sup> January 2019, after he was cross-examined on behalf of the accused by getting the no-cross order set aside on payment of costs. The learned trial Magistrate further observed that evidence of CW2 Siddhesh Sawant, Manager of the HDFC bank was recorded in presence of the learned advocate for the accused and cross-examination was declined. It is not case of the petitioners that CW2 Siddhesh Sawant is required to be cross-examined further.

4           It is seen that the learned trial Magistrate has rightly observed that the application, as framed and filed, is not maintainable. No infirmity, therefore, can be found in the impugned order rejecting the application for permitting the accused to cross-examine the witness for the complainant. What ought to have been filed was an application for recalling the witness which is not done by the accused. Therefore, the order :

**ORDER**

- i)     Writ Petitions are dismissed.
- ii)    However, the petitioners/accused are at liberty to file an appropriate application before the learned trial Magistrate.

**(A. M. BADAR, J.)**