

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.5054 OF 2019

Mr.Javed Munshi Khan	...	Petitioner
Versus		
Mr.Ahmed Abdul Saleji & Anr.	...	Respondents

Mr.Dilip H. Shukla, Advocate for the Petitioner.

Mr.Himanshu Shinde, Advocate for the Respondent No.1.

Mr.A.R.Kapadnis, APP for the Respondent No.2/State.

CORAM : A.M.BADAR J.

DATED : 17th OCTOBER 2019.

ORAL JUDGMENT :

1 Heard.

2 Rule. Rule returnable forthwith. Heard finally by
consent of parties.

3 Limited grievance of the petitioner, who happens to be
the original accused is to grant him an opportunity to advance
final argument fully in a prosecution for the offence punishable
under Section 138 of the Negotiable Instruments Act, 1881.

4 The subject criminal case was fixed for final argument on 25/09/2019 and the learned Counsel for the petitioner/accused partly argued the matter on that day. He has also tendered case laws. However, in second session he was not available and, therefore, a request for adjournment was made by moving a written application and that is rejected by the impugned Order with a reason that sufficient opportunities are already granted to the accused and his learned Counsel left the Court without seeking leave of the Court.

5 In order to do complete justice between the parties, fair opportunity of hearing by granting short accommodation to the learned Counsel for the petitioner/accused was necessary. The impugned Order is not justified and, therefore, the Order :

ORDER

- (i) Rule is made absolute in terms of prayer clause (a).
- (ii) The learned trial Magistrate to hear the arguments of the learned Counsel for the petitioner/accused on next date of hearing and then to proceed to decide the case according to law.
- (iii) The Writ Petition is disposed of accordingly.

(A.M.BADAR, J.)