

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 185 OF 2019

ANFALL RAYANI.,

... Petitioner

Versus

SHIVAM DISTRUBUTOR, A PROP CONCERN
OF SHAILESH SINGBAL AND ANR.,

... Respondents

Shri Rohan Dessai and Shri Siddesh Nanodkar, Advocates for
the Petitioner.

Shri S. M. Singbal, Advocate for the Respondent No.1.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 9th January, 2020

P.C.:

It is apparent that the cross examination of the complainant was closed on 11.04.2019 as was the contention of Shri Rohan Dessai, learned Advocate for the petitioner and which had occasioned on account of the ill-health of the minor son of the advocate on record. The learned Trial Court however was pleased to close the cross examination and thereby deny a valuable opportunity to the petitioner to meet his case in defence by confronting the complainant appropriately. Therefore this is a fit case to interfere with the order and allow the petition in the interest of justice.

2. Shri Singbal, learned Advocate for the respondent submitted

that the petitioner on earlier occasions had sought for adjournments but he would not seriously oppose the petition inasmuch as certain directions are given to the learned trial Court to dispose off the matter within a particular time frame. In the circumstances therefore and considering that the petitioner would suffer undue hardships in case the cross examination is denied to the petitioner, the petition is allowed. The impugned order is quashed and set aside. The matter is remanded to the learned Judicial Magistrate, First Class with directions to dispose off the same within a period of three months from today.

3. The petitioner to ensure that no adjournment is sought for on any grounds whatsoever before the learned Judicial Magistrate, First Class.

4. Parties are directed to appear before the learned Judicial Magistrate, First Class on the pre-scheduled date before it.

5. Authenticated copy be issued to the parties.

NUTAN D. SARDESSAI, J.

MF/-