

AGK

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

WRIT PETITION NO.3956 OF 2022

Navketan Entertainments &
Amusements Pvt. Ltd. & Ors. ... Petitioners

V/s.

The State of Maharashtra & Anr. ... Respondents

Mr. Jeet Gandhi with Mr. Shivam Dubey and Mr. Uttam
Shukla for the petitioners.

Mr. R.M. Pethe, APP for respondent no.1/State.

Mr. Vikas Sharma with Ms. Kalpana Sharma for
respondent no.2.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 22, 2022

P.C.:

1. The subject matter of the petition is the order of closing cross-examination of the complainant. According to the petitioners, on the list of cross-examination the learned Magistrate has passed an order of closing the cross-examination. Therefore, he filed pursis on 13th September 2022 recording the said fact. Filing of pursis was not the remedy available with the petitioner but it was expected from the petitioners to file an application for recalling of the order of closing cross-examination.

2. The petition can be disposed of by following order:

- a) The petitioners shall be at liberty to file an application for recalling of order dated 4th August 2022 marking 'cross-examination is over'. Such application shall be filed within one (1) week from today;
 - b) The learned Magistrate shall decide the said application in accordance with law within two (2) weeks thereafter after giving opportunity of hearing to both sides;
- 3.** The writ petition is disposed of in above terms. No costs.
- 4.** It is made clear that this Court has not considered the merits of the writ petition.

(AMIT BORKAR, J.)