

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

**CRIMINAL WRIT PETITION NO. 187 OF 2023
ALONG WITH
CRIMINAL WRIT PETITION NO. 193 OF 2023
ALONG WITH
CRIMINAL WRIT PETITION NO. 195 OF 2023
ALONG WITH
CRIMINAL WRIT PETITION NO. 197 OF 2023
ALONG WITH
CRIMINAL WRIT PETITION NO. 198 OF 2023
ALONG WITH
CRIMINAL WRIT PETITION NO. 199 OF 2023**

Ramesh B. Gowda and Anr. ...Petitioner
Versus
State Of Maharashtra And Anr. ...Respondents

....

Mr. Govind Gupta a/w Ashish Verma a/w Dhanraj Lodha, Advocate for the Petitioner in all Matters.

Mr. Sunil Vyas i/b Fox Mandal and Asso., Advocate for the Respondent No.2.

Mr. Arfan Sait, APP for the Respondent – State in WP No.187 of 2023 and WP No.195 of 2023 and WP No.198 of 2023.

Ms. Anamika Malhotra, APP for the Respondent – State in WP No.193 of 2023 and WP No.197 of 2023 and WP No.199 of 2023.

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**CORAM : R. G. AVACHAT, J.
DATE : 7th JANUARY, 2023.**

PER COURT:

1. In all these Petitions challenge is to the order refusing permission to the Petitioner/Accused to cross-examine the complainant and his witnesses.

2. Learned Advocate for the Respondent informs that an ample opportunity was offered to the Petitioners/Accused. He adverted this Court's attention to the Roznama of the cases. He would

submit that on the given date, learned Advocate for the Petitioners/Accused even submitted before the learned Trial Court that he would not conclude the cross-examination. The Court concerned has rightly refused permission to the Petitioners/Accused to cross-examine the complainant and his witnesses.

3. Learned Advocate for the Petitioners submits that next date before the trial Court is 10th January, 2023. The Advocate representing the Petitioners/Accused before the trial Court would in any case cross-examine the complainant and conclude on the same day.

4. In view of the aforesaid statement, the orders impugned herein are recalled subject to payment of cost of Rs.25,000/-.

5. It is also informed that recording of statement under Section 313 of Cr.P.C. has been dispensed with and right of the Petitioners/Accused to give evidence is even foreclosed. This order is hereby set aside, although the prayer to that regard is not therein the Petitions. Suffice it to say that the Petitioners would undertake the cross-examination of the complainant's witnesses from 10th of this month.

6. The learned Magistrate would do well to decide the matters within time-frame of four months from the date of receipt of a copy of this Order.

7. Petitions stand disposed of subject to cost of Rs.25,000/-.

Cost to be paid to the complainant.

(R. G. AVACHAT, J.)