

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

CRIMINAL WRIT PETITION NO. 480 OF 2023

Arvind Hanumant Gole

... Petitioner

v/s.

Mohammed Iqbal Abdul Hamid

Memon and anr.

.... Respondents

Mr. Vivek Shukla a/w. Mr. Norbert D'Souza, Ms. Bushra Sayed
i/b. Devendra Mishra for the Petitioner.
Mr. Arfan Sait, APP for the State.

CORAM: R.G. AVACHAT, J.

DATED : 03rd FEBRUARY, 2023.

P. C. :-

. The Petitioner/accused has taken exception to the order dated 21/01/2023 passed by the learned Metropolitan Magistrate, 20th Court, Mazgaon, Mumbai refusing his application to issue summons for calling of record and proceedings in Criminal Case No.884/SS/2016 and recalling the complainant for subjecting him to further cross of examination.

2. According to the learned counsel for the Petitioner, surety who had issued a cheque, was prosecuted and has been acquitted. The record and proceedings of said case has a bearing on the fate of this case.

3. In view of this Court, the Petitioner can very well obtain certified copies of the relevant documents forming part of Criminal Case No.884/SS/2016 and place them on record of the Trial Court and even may examine himself as a defence witness.

4. In view of the aforesaid observations, this Court finds no merit even to issue notice in this matter. The Petition thus stands disposed of. The Trial Court shall grant the Petitioner a month's time to procure certified copies of the concerned documents on which he proposes to rely and place them on record and thereafter, if he proposes to examine himself in his defence or any other witness, he may be permitted to do so.

5. The Trial Court is directed to conclude the proceedings within the time frame of four months from the date of receipt of copy of this order.

(R.G. AVACHAT, J.)

**PREETI H
JAYANI**

Digitally signed
by PREETI H
JAYANI
Date: 2023.02.15
11:19:21 +0530