

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

CRIMINAL WRIT PETITION NO. 2472 OF 2023

Darode Jog Associates & Ors

...Petitioners

Versus

Amit Jamanmal Jain & Anr

...Respondents

Mr. Kaustubh Kandpile, Advocate for Petitioners.

Ms. Niyati Shah a/w Abhishek a. Chitnis, Advocate for Respondent No.1.

Mr. Arfan Sait, APP for State/Respondent No.2.

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CORAM : SARANG V. KOTWAL, J.

DATE : 29th AUGUST 2023

PC :

1. Heard both the parties.

2. The Petitioner who is the original Accused has challenged the order dated 15th March 2023 passed below Exhibit 45 in S.C.C. No.29148 of 2018 pending before 15th Judicial Magistrate First Class, Pune whereby, his Application for directing the Complainant–Respondent No.1 to produce the income tax return of the year 2012 and previous three years to that, on record. The said Application was rejected by the learned Magistrate on 15th March 2023.

3. Learned Counsel for the Petitioner submitted that he is not pressing this Petition but his only concern is that the observations made in the impugned order at this stage by the learned Magistrate should not come his way when the trial is decided finally. The request is reasonable.

4. The Petition is disposed of as not pressed. It is clarified that the learned Magistrate shall decide that trial in accordance with law on the basis of evidence led before him without being influenced by any observations made by him in the impugned order. The contentions of both the parties are specifically left open.

5. With these observations, the Petition is allowed to be withdrawn and is disposed of as such.

(SARANG V. KOTWAL, J.)