

GRM

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

CRIMINAL WRIT PETITION NO. 4072 OF 2019

WITH

CRIMINAL WRIT PETITION NO. 4073 OF 2019

Jankiprasad M. Shah & Anr. ... Petitioners

V/s.

The State of Maharashtra & Anr. ... Respondents

Mr. Kapil Dave, Adv. for the Petitioners.

Mr. Arfan Sait, APP for the State/Respondent No. 1.

Mr. Siddharth Murarka a/w Mr. Devendra Tiwari i/b Law Chamber
of Siddharth Murarka, Adv. for Respondent no. 2.

CORAM : R. G. AVACHAT, J.

DATED : JANUARY 6, 2023

P.C. :

1. Heard.
2. The challenge in these petitions is to an order rejecting the application of petitioners/original accused, to permit them to recall the complainant for cross-examination.
3. It appears that on the given date, on which the complainant was present before the Court, an application for adjournment filed by the petitioners/accused was rejected by learned Magistrate, since their advocate was not present. The Court could have allowed the application subject to some cost, with a view to give fair opportunity to the petitioners/accused.

4. Learned Advocate for respondent urged to make the matters time bound.
5. In view of the above, the petitions are allowed. The orders impugned herein are set aside.
6. The applications Exhibit-49 (C.C. No. 3848/SS/2015) and Exhibit-53 (C.C. No. 3847/SS/2015) are allowed. Learned Trial Court is directed to decide both the cases on their own merits within a time-frame of six months from the date of receipt of a copy of this order.

(R. G. AVACHAT, J.)