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IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.23 OF 2025

M/s. WHEEL MAGNETS

Partnership Firm constituted under the
relevant provisions of the Indian Partnership Act,
Having its office at Building No. 875/4.
Goa Mumbai Highway Porvorim, Goa.
Through its Authorized Partner Mr. Rohan Thakur,
Son of Mr. Vishnoo Thakur, 44 years in age,
married, Indian National, Businessman,
Office at No. 875/4, Goa Mumbai Highway,
Porvorim, Goa, Bardez, Goa

... Petitioner

V/s.

MR. ANIKET NAIK,
son of Mr. Naik, major in age, married
Indian National, Proprietor of Ace Wheels,
Resident of H. No.76, Khandola, Marcel,
Ponda, Goa.

... Respondent

Mr Jatin Ramaiya, Advocate for the Petitioner.

Mr Prashant Agrawal, Advocate for the Respondent.

CORAM:- VALMIKI MENEZES, J.

DATED :- 18th August, 2025

ORAL JUDGMENT :

1. Heard learned Counsel for the parties.
2. Rule. Rule is made returnable forthwith at the request of and with the consent of the learned Counsel for the parties.

3. An order dated 10.06.2024 has been passed in Criminal Case OA No.311/2020/A, granting the application under Section 145(2) and allowing the Accused to cross-examine the Complainant has been set aside.

4. This order records that since the Accused is disputing the legally enforceable debt in the application under Section 145(2) of the NI Act, the application under Section 143(A) is dismissed. The order records that it would not be proper to grant the application at the stage where leave has been granted to cross-examine the Complainant.

5. In view of the fact that the order dated 10.06.2024 granting leave to cross-examine under Section 145(A) of the Act has been set aside by this Court's order dated 18.08.2025 in Criminal Writ Petition No.21 of 2025 (F), and the fact that Section 143(A) is a power vested in the Magistrate dealing with complaints under Section 138 to be exercised notwithstanding the provisions of the CrPC, the same is required to be quashed and set aside. Since an application under Section 143(A) stands independent of the decisions on an application under Section 145(2) of the Act and would be required to be considered on its own merits and in view of the fact that the Accused has pleaded to be tried under Clause (a) of the said provision, the impugned order cannot be sustained. The same is set aside. Learned Magistrate shall hear this application on its own merits and decide upon the same.

6. Considering that the application under Section 145(2) in Criminal Case OA No. 311/2020/A is also to be heard, the learned Magistrate is requested to first dispose of the application under Section 145 (2) filed by

the Accused. It may thereafter dispose of the present application under Section 143(A) of the NI Act.

7. Rule is made absolute in the above terms.
8. Writ Petition stands disposed of accordingly.

VALMIKI MENEZES, J.