

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.542 OF 2025

Arihant Steel Exports & Ors. ...Applicants
Versus
The State of Maharashtra & Anr. ...Respondents

Mr. Lokesh Zade, for the Applicants.
Ms. P. P. Bhosale, APP, for the Respondent No.1-State.
Mr. Yashpal Thakur, for the Respondent No.2.
Mr. S. R. Ghuge, PSI, attached to V. P. Road Police Station, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 26th JUNE 2025

PC:-

1. Heard Mr. Zade, learned Counsel appearing for the Applicants, Ms. Bhosale, learned APP appearing for the Respondent No.1-State and Mr. Thakur, learned Counsel appearing for the Respondent No.2.

2. The challenge in the present Criminal Application is to the legality and validity of the order dated 28th March 2025 passed by the learned Metropolitan Magistrate, 14th Court, Girgon, Mumbai below Exhibit-93 in C.C. No.2221/SS/2015, by which the said Application has been rejected. The said Application bearing

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Exhibit-93 has been filed by the Applicants/Accused for setting aside “No Cross Order” passed on 22nd November 2024.

3. It is the submission of Mr. Zade, learned Counsel appearing for the Applicants that on that date, he was having one matter in the High Court and after completion of the said matter, he immediately rushed to the Court of learned Metropolitan Magistrate. In fact, he has also informed the same to the representative of the Complainant that he would be proceedings with the matter after coming from the High Court. However, due to some miscommunication, the said fact was not pointed out to the learned Metropolitan Magistrate. He therefore, states that in the interest of justice, the impugned order be quashed and set aside.

4. On the other hand, Mr. Thakur, learned Counsel appearing for the Respondent No.2 submitted that no interference in the impugned order is warranted. He further submits that if the Court is inclined to set aside the impugned order, then the Applicants be directed to complete the cross-examination as early as possible.

5. Perusal of the record shows that on 22nd November 2024, the learned Metropolitan Magistrate passed “No Cross Order”. On the very date i.e. on 22nd November 2024, application has been filed for setting aside “No Cross Order”. Perusal of the record further shows that say has been filed on behalf of the Respondent No.2-original Complainant *inter alia* giving No Objection for setting aside the said “No Cross Order”, if cross-examination is completed on the very day.

6. Thus, in the facts and circumstances of this case and in the interest of justice, the order dated 28th March 2025 passed by the learned Metropolitan Magistrate, 14th Court, Girgaon, Mumbai below Exhibit-93 in C.C. No.2221/SS/2015 is quashed and set aside. Mr. Zade, learned Counsel appearing for the Applicants states that no adjournment will be taken and cross-examination will be completed as early as possible.

7. Accordingly, the Criminal Application is disposed of, subject to above.

[MADHAV J. JAMDAR, J.]