

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1384 OF 2025

Kishor Vishwanath Deshmukh ... Applicant

V/s.

State of Maharashtra and Anr. ... Respondents

Mr. Chaitanya Pendse, for the Applicant.

Mr. K.C. Shinde, APP, for the Respondent No.1/State.

Mr. Shyam Dewani with Sumit Khanna, Sachet Makhija i/by Dewani Associates, for the Respondent No. 2.

CORAM : N.J. JAMADAR, J.

DATE : 4TH DECEMBER 2025.

PC:

1. Heard the learned counsel for the Applicant.
2. The challenge in this application is to an order dated 19th November 2025 whereby an application preferred by the applicant seeking adjournment came to be rejected.
3. The applicant has examined himself as a defence witness in the trial for an offence punishable under Section 138 of Negotiable Instruments Act, 1881. The applicant intends to examine another witness, to whom the summons has already been issued. On 19th November 2025, the adjournment was sought on the ground that the Advocate for the Applicant-Accused was appearing before the High Court.

4. The learned counsel for the Respondent-Complainant submitted that the Applicant has been adopting dilatory tactics and in the event the Court grants opportunity to the applicant to lead evidence, the applicant be put to terms.

5. Having regard to the fact that the trial has reached an advanced stage, the applicant has examined himself as a witness and intends to examine defence witnesses, it would be expedient in the interest of justice to provide an opportunity to the applicant to adduce evidence.

6. Hence, the following order:

- i) The application stands allowed.
- ii) Impugned order dated 19th November 2025 stands quashed and set aside to the extent it forecloses the right of the accused to lead evidence.
- iii) The parties shall appear before the learned Magistrate on 29th December 2025.
- iv) The applicant shall examine the witness on 29th December 2025, without fail.
- v) The learned Magistrate is requested to make an endeavour to conclude the trial in SCC No. 3989 of 2016 as expeditiously as possible and, preferably, within a period of three months from 29th December 2025.
- vi) The application stands disposed.

(N.J. JAMADAR, J)