IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4622 OF 2026

Eversinght Tradecom Pvt. Ltd. & Ors. …Petitioners

Versus

Future Lifestyle Fashions Ltd. …Respondents
Through Prashant Rane & Anr.

Mr. Shailesh Kharat a/w. Mr. Sanket Mane, Ms. Neelam Yadav and Ms. Neha Pednekar, for the Petitioners.
Ms. Honey Satpal a/w. Ms. Tanya Gupta (through Video Conferencing), Mr. Babu Sivaprakasan, Ms. Rahat Kalpani, Mr. Vijay Srinivasan, for Respondent No.1.
Mr. P. P. Jadhav, APP, for Respondent No.2-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 6th OCTOBER 2026

PC:-

1. Heard Mr. Kharat, learned Counsel appearing for the Petitioners, Ms. Satpal, learned Counsel appearing for Respondent No.1 and Mr. Jadhav, learned Counsel appearing for Respondent No.2-State.

2. At the outset, Mr. Kharat, learned Counsel appearing for the Petitioners seeks leave to amend the prayer clause and leave to annex a copy of the order dated 15th February 2025 passed by the

learned Judicial Magistrate, First Class, 33rd Court, Ballard Pier, Mazgaon, Mumbai, below Exhibit-8 in C.C. No.4850/SS/2016.

3. Leave as prayed is granted. Amendment be carried out forthwith. Re-verification is dispensed with.

4. By this Writ Petition the challenge is to the legality and validity of the following orders:

i. Order dated 2nd January 2026 passed by the learned Judicial Magistrate, First Class, 33rd Court, Ballard Pier, Mazgaon, Mumbai, below Application filed under Section 311 of the Code of Criminal Procedure, 1973 in C.C. No.4850/SS/2016.

ii. Order dated 15th February 2025 passed by the learned Judicial Magistrate, First Class, 33rd Court, Ballard Pier, Mazgaon, Mumbai, below Exhibit-8 in C.C. No.4850/SS/2016.

iii. Order dated 7th April 2026 passed by the learned Judicial Magistrate, First Class, 33rd Court, Ballard Pier, Mazgaon,

Mumbai, below Adjournment Application in C.C. No.4850/SS/2026.

5. Perusal of the record shows that Exhibit-25 application has been filed in C.C. No.4850/SS/2026 seeking recall of C.W. No.1 and permission to further cross-examine the C.W.1. By order dated 17th January 2025, the learned Judicial Magistrate First Class, 33rd Court, Ballard Pier, Mumbai, allowed the said application by passing the following Operative Order:

*"**O R D E R***

1) The application is allowed and CW-1 is recalled for cross-examination of accused on following conditions:-

a) Accused shall pay additional cost of Rs.5,000/- along-with the cost imposed in the order Dtd. 04.10.2024 to the CW-1.

b) Accused is directed to pay all the above cost to CW-1 today itself.

c) Accused should complete his cross-examination within one hour and complete the cross-examination within one month."

6. However, the said cost has not been paid within time and therefore, another application has been filed. Learned Judicial Magistrate First Class has again passed the "No Cross Order" on 15th February 2025. Another application has been filed seeking recall of the said order and by order dated 2nd January 2026, the said application has been rejected. Thereafter, again adjournment application has been filed on the ground that Criminal Revision Application No.131 of 2026 is pending before the learned Sessions Court challenging the legality and validity of the order dated 2nd January 2026. The said adjournment application has also been rejected by order dated 7th April 2026.

7. Mr. Kharat, learned Counsel appearing for the Petitioners after arguing the matter for some time, on instructions of the Petitioners, states that the Petitioners will deposit before the learned Trial Court 20% of the cheque amount on or before 16th October 2026. The said statement made by Mr. Kharat, learned Counsel of the Petitioners, on instructions of the Petitioners, is accepted as undertaking given to this Court.

8. In view of the said statement made by the Petitioners, Ms. Satpal, learned Counsel appearing for the Respondent No.1, on instructions, states that the Writ Petition be disposed of by passing the following order.

9. Accordingly, by consent of the parties, the Writ Petition is disposed of by passing the following order:

ORDER

(a) The Petitioners shall deposit an amount of Rs.20,00,000/- (Rupees Twenty Lakh only) in the Court of learned Judicial Magistrate First Class, 33rd Court, Ballard Pier, Mumbai, on or before 16th October 2026.

(b) As noted earlier, statement made by the learned Counsel of the Petitioners, on instructions of the Petitioners to deposit the said amount of Rs.20,00,000/- (Rupees Twenty Lakh only) is accepted as undertaking given to this Court.

(c) It is expressly made clear that if said amount of Rs.20,00,000/- is not deposited before the learned Judicial Magistrate First Class, 33rd Court, Ballard Pier, Mumbai, on or before 16th October 2026, then the Writ Petition shall stand dismissed without further reference to the Court.

(d) If the said amount of Rs.20,00,000/- (Rupees Twenty Lakh only) is deposited before the learned Judicial Magistrate First Class, 33rd Court, Ballard Pier, Mumbai, on or before 16th October 2026, then all the impugned orders in this Writ Petition as per the following details are quashed and set aside, on the condition that the Petitioners shall give complete co-operation to the learned Judicial Magistrate First Class, 33rd Court, Ballard Pier, Mumbai, for the disposal of C.C. No.4850/SS/2016 expeditiously.

Sr. No.	Date of Order	Case No.
1.	02/01/2026	C.C. No.4850/SS/2016 (Page 27-29)
2.	15/02/2025	Exhibit-8 in C.C. No.4850/SS/2016 (Page 29-A)

3.	07/04/2026	Order below adjournment application in C.C. No.4850/SS/2016 (Page 30)

(e) The Petitioners to complete cross-examination of C.W.-1 within one day as and when the matter is scheduled for that purpose by the learned Judicial Magistrate First Class, 33rd Court, Ballard Pier, Mumbai.

(f) The Petitioners shall not seek any adjournment.

(g) The statement of the learned Counsel appearing for the Petitioners, on instructions, is accepted that the Petitioners will examine only one witness as the defence witness.

(h) As the case is of the year 2016, the learned Judicial Magistrate First Class, 33rd Court, Ballard Pier, Mumbai, is requested to conclude the trial expeditiously.

(i) The learned Judicial Magistrate First Class, 33rd Court, Ballard Pier, Mumbai, to pass appropriate order concerning said amount of Rs.20,00,000/-, if deposited at the time of passing final judgment in said C.C. No.4850/SS/2016.

10. Accordingly, the Writ Petition is disposed of in above terms.

[MADHAV J. JAMDAR, J.]

SONALI MILIND PATIL

Digitally signed by SONALI MILIND PATIL
Date: 2026.10.07 18:48:41 +0530