

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 563 OF 2015

Dr. Ramgir s/o. Kailasgir Giri **....Petitioner.**

Versus

The State of Maharashtra **....Respondent.**

Mrs. R.K. Ladda, APP for State.

CORAM : T.V. NALAWADE, J.
DATED : 3rd July, 2015.

ORDER :

1. This matter was called in first session. One counsel holding for Advocate Shri. A.K. Bhosle had said that he will call Shri. A.K. Bhosle, but A.K. Bosle did not turn up. This Court has seen the record.

2. The case is filed against the petitioner for offences punishable under sections 7, 13 (1) (d) r/w. 13 (2) of the Prevention of Corruption Act. It appears that the prosecution examined panch witnesses first on the trap. When the matter came up for cross examination of the panch witnesses, the learned counsel appearing for the accused applied to the Court and submitted that the complainant's evidence needs to be given first and he wants to cross examine the complainant first

and only after that he will cross examine the panch witnesses. The Court rejected this application and this order is challenged in the present proceeding.

3. It is up to the prosecution to decide as to which witness it wants to examine first. In the case like trap case, it makes no difference which witness is examined first. When examination in chief of panch witness is over, he needs to be cross examined first and there is no right as such to the accused to say that complainant needs to be examined first and he will cross examine the complainant first and then he will cross examine the panch witnesses. As there is no such right, there are no merits in the challenge to the order.

4. In the result, the petition is dismissed.

[T.V. NALAWADE, J.]

ssc/