

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram,	Court's or Judge's orders.
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CRIMINAL WRIT PETITION NO. 801 OF 2015

CHETAN S/O POPATLAL BHALGAT
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Petitioner : Mr. Ghanekar Nilesh S.
APP for Respondent: Mr. P. N. Mule.

CORAM: T. V. NALAWADE, J.
DATED: 30th JUNE, 2015.

PER COURT:

1. The petition is filed to challenge the order made by learned Additional Sessions Judge on Exhibit-594 in Sessions Case No.100 of 2006. The case is filed under the provisions of PITA and also punishable under section 376 of I.P.C. The State has already examined victim girl and she is cross examined. Recently one petition was filed before this Court by the present petitioner and he had prayed for relief of quashing and setting aside the orders made by the trial Judge on applications filed for calling the two investigating officers as Court witness

under section 311 of Cr.P.C. Most of the points raised were similar to the present matter and this Court passed reasoned order and dismissed the said proceeding.

2. In the present proceeding the learned counsel for the same accused submitted that the defence has examined 6 witnesses and it has produced some documents like Adhar Card, PAN Card, Mobile record, report given by Observation Home where the victim girl was kept etc. and there is now sufficient record to show that the victim girl is also called as Miligret and she has collected the record of aforesaid nature like PAN Card, Adhar card etc. Record of sister of the victim girl is also produced. The victim girl has stated in her examination in chief that she is also known as Anjali. Anjali was probably her younger sister having separate record. The submissions made show that when such evidence was given in examination in chief the victim girl was available for cross examination and she is cross examined at length by the learned counsel for all the accused. She denied the suggestion given to her that she is not Anjali.

3. The defence now wants to recall the victim girl to

cross examine her in respect of aforesaid record by confronting the aforesaid record to her. The aforesaid record is from public office and submissions made show that the record is already exhibited by the trial Court. When it is a public record and the record is given exhibit number by the trial Court, it will not be possible for the State to deny the genuineness of the record and in that case the State will be required to take steps if the State wants to dispute the record of Preeti and Anjali. In view of these circumstances, this Court holds that it is not a case where the victim girl needs to be called and aforesaid record needs to be confronted to her. It is not possible to interfere in the order made by the learned Additional Sessions Judge and the petition is dismissed. The observations are for the purpose of this proceeding only. The learned Judge of trial Court is not to get influenced due to aforesaid observations.

[T. V. NALAWADE, J.]

Dt.30/06/2015
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