

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1108 OF 2015

Devdan Govind Bhambal,
Age: 62 years, Occ: Pensioner,
R/o.New Bethal Colony, Kothi,
Ahmednagar, Dist. Ahmednagar.

...Petitioner

versus

The State of Maharashtra.

...Respondent

.....
Mr. R.D. Tanpure, Advocate h/f Mr. K.J. Tandale, Advocate for
petitioner

Mr. S.R. Palnitkar, A.P.P. for respondent/State

....

CORAM : N.W. SAMBRE, J.

DATE : 7th SEPTEMBER, 2015

ORAL ORDER :

The matter was lastly heard on 03/09/2015 when Advocate Mr. Tandale, learned Counsel for the petitioner was heard at length.

2. Since this Court was not inclined to entertain the petition, has given option of withdrawal, as such, the matter was adjourned today. Today, Mr. Tandale is absent, however, Mr. Tanpure holding for him submits that he has no instructions to withdraw the matter and this Court may pass the order on merit. In view of above, this Court is required to proceed further.

3. In the present case, the order passed below Exhibit-57 in Regular Trial Case No. 157 of 2006 on 06/07/2015 is questioned by the petitioner. By the said order, the witness Mr. Robert Moses, who was appointed as trustee of Wider Church Ministries, who was summoned as witness, which was questioned on the ground that he is not relevant witness to be examined. According to Mr. Tandale, the proceedings are required to be decided on the basis of list of the witness submitted and relevant witnesses if are not available, the Court is required to proceed further with the matter. According to him, since the original complainant is expired, the Court should have dismissed the complaint and proceedings thereto.

4. If the submissions made by learned Counsel for the petitioner are analyzed in the back ground of order impugned, it is required to be noted that Section 311 of the Code of Criminal Procedure empowers the Court to summon a witness. Pursuant thereto, the Court has exercised the power summoning the said witness and has ordered issuance of witness summons. For doing so, the Court has already taken note of the fact as regards subsequent developments as is apparent from list Exhibit-59.

5. In view thereof, in my opinion, no case for interference is

made out. As such, the petition fails, same stands dismissed.

[N.W. SAMBRE, J.]

Tupe/07.09.15