

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 32 OF 2015

Shri Randhir Govind Arewar

... Applicant.

V/s.

The State of Maharashtra

... Respondent.

Mr. S. A. Tarale, Advocate for the Applicant.

Mrs. A. A. Mane, APP for the State.

CORAM : M.L.TAHALIYANI,J.

DATE : 09th APRIL, 2015

P.C. :

1 Admit. By consent, heard finally at the admission stage.

2 Heard the learned Advocate Mr. Tarale for the applicant and learned additional public prosecutor Mrs. Mane for the State.

3 The applicant is facing trial for the offence punishable under section 376 of the Indian Penal Code. Two witnesses have been examined so far. PW-1 is the victim. PW-2 was informed by one Aparna that the PW-1 had been ravished by some unknown persons. The prime evidence so far recorded by the prosecution is of the PW-1 only. PW-2 is not an eye witness to the incident.

4 An application was made before the learned trial court for recall of the PW-1 and PW-2 and the said application has been rejected and therefore, the present criminal application has been filed under section 482 of the Cr.P.C..

5 I have gone through the evidence of PW-1 and PW-2. As already stated, the evidence of PW-2 is not of a much significance. It is submitted by the learned counsel Mr. Tarale that PW-1 was not cross-examined by the lawyer on the point of identification parade. The applicant has now appointed another lawyer, who wants to cross-examine PW-1 and PW-2 both. The cross-examination of PW-1 by the earlier lawyer clearly shows that PW-1 was cross-examined on the point of identification parade. As far as the PW-2 is concerned the learned Advocate of the applicant is not able to tell the court as to why the PW-2 is to be recalled.

6 As such the application of the applicant was rightly rejected by the learned trial court.

7 I do not find any substance in the present application. It is dismissed and stands disposed of accordingly.

(JUDGE)