

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 151 OF 2015

Prashant Lahu Wabale	...	Petitioner
vs.		(Orig. accused No.1)
The State of Maharashtra	...	Respondents

Mr. Rupesh A. Zade, Advocate for the petitioner
Mr. S.S.Pednekar, APP, for the respondent-State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 17th February, 2015.

P.C.

Heard. Rule. Rule made returnable forthwith with consent of the parties.

2. The present petitioner happens to be an accused in Special Case No.53 of 2013. The petitioner is being tried for the offence punishable under Sections 354, 506 of IPC. The substantive evidence of the victim in the present case was recorded on 22.11.2013. On 13.12.2013, the petitioner herein filed an application for recalling PW-1 i.e. the victim in the present case. By an order dated 20.12.2013, the learned Addl. Sessions Judge, Baramati, has been pleased to reject the application. The trial has proceeded. The matter is posted for

recording the statement of the accused under Section 313 of Cr.P.C.

3. Upon perusal of the application, which is filed below Exhibit 49, it is apparent on the face of the record that the applicant had not assigned any specific reason, ground or subsequent event that was to be put to PW-1. The learned Addl. Sessions Judge has rightly rejected the application on the ground that there is no sufficient reason put forth by the accused for recalling PW-1. The order passed by the Addl. Sessions Judge, Baramati in Special Case No.53 of 2013, below Exhibit 49 does not warrant any interference. It is apparent on the face of the record that the impugned order is passed on 20.12.2013. Thereafter the prosecution has recorded the substantive evidence of five witnesses besides PW-1. The petitioner has filed the application at a belated stage. The petitioner is on bail and he has filed the present petition on 12.1.2015 i.e. practically after 14 months of the impugned order was passed. Hence, the petition sans merit deserves to be dismissed.

4. Rule is discharged. Petition stands disposed of.

(SMT.SADHANA S.JADHAV, J.)