

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO.305/2015

Iqubal Saddruddin Budhwani ..vs.. The State of Maharashtra, through PSO
P. S. Gadchiroli

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. V. N. Morande, Advocate for applicant.
Mr. Thakare, A.P.P. for respondent.

CORAM : A.B. CHAUDHARI, J.

DATE : JUNE 19, 2015.

Heard.

The impugned order is below Exh.-16 in Regular Criminal Case No.2/2014, rejecting the application for recall of witness. The learned counsel for the applicant contended that the order rejecting the application for recall of the witness under Section 311 of the Cr. P. C. is illegal and the trial Judge should have allowed the application, in the interest of justice.

I have perused the impugned order. Having regard to the averments in the application, I find that there is no justification whatsoever in the application or averments in the application for making any order of recall. There is no foundation in the application in relation to the reasons for satisfying the ingredients of Section 311 of the Code

of Criminal Procedure. To recall a witness by making an order is not a matter of routine course and, therefore, satisfactory reasons are required to be given, which is absent.

That being so, I make the following order.

ORDER

(i) Criminal Application (APL) No. 305/2015 is rejected.

JUDGE

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