

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

Criminal Application (APPA) No. 289/2016
in
Criminal Appeal No.140/2016
(Rajesh Dhannalal Daware .vs. State of Maharashtra)

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

Court's or Judge's orders.

Mr. Mir Nagman Ali, Advocate for Appellant.
Mrs. B.H. Dangre, Public Prosecutor for Respondent.

CORAM : B.R. Gavai & Mrs. Swapna S. Joshi, JJ.
DATED : April 27, 2016.

The present application is filed by the applicant/original accused no.1 for direction to the Principal District Judge, Nagpur to record the additional evidence of investigating officer Shri S.K. Jaiswal and to grant opportunity to cross-examine him.

The application is sought to be made on the ground that when on 23.06.2015 the investigating officer was cross-examined by the appellant, the counsel who was appointed from the Legal Aid Panel Shri Pradeep Agrawal did not remain present and the investigating officer was cross-examined by Ms. Rajashri Wasnik, Advocate, who was not acquainted with the facts of the present case and she did not properly cross-examine the prosecution witness. It is, therefore, submitted that the original accused no.1 did not have a fair opportunity to cross-examine the investigating officer.

3. The present application is filed after we have heard the appeal for two days.

4. The evidence of PW50 investigating officer was completed on 24.06.2015. The impugned judgment is passed on 4.2.2016. It could thus be seen that the period between the date on which the evidence of PW50 is completed and the impugned judgment is delivered, is more than 7 months.

5. The perusal of the record would reveal that even during the trial, attempts were made on behalf of the accused to protract the trial. We find that the present application is nothing else but an additional attempt to protract the hearing of the present appeal, after the same is heard for two days.

6. The application is, therefore rejected.

JUDGE

JUDGE

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