

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH, NAGPUR.****CRIMINAL WRIT PETITION NO.699/2015**

**(Soheb Khan s/o Salim Khan ..vs.. State of Maharashtra, through PSO P. s.
Bhandara, dist. Bhandara)**

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

Court's or Judge's orders.

Mr. K. S. Motwani, Advocate for petitioner.

Mr. Tembhre, A.P.P. for respondent-State.

CORAM : A. B. CHAUDHARI, J.

DATE : NOVEMBER 24, 2015.

Interlocutory order made during the pendency of Sessions Trial on application Exh.-56 is being challenged in the present writ petition. The petitioner sought examination of Saleem Habib Khan @ Saleem Baba as witness, to whom the prosecution did not want to examine.

It is well settled legal position that it is the choice of the prosecution to examine the witness. In my opinion, it is for the Court ultimately to draw an inference including adverse inference on the facts.

In view of above, I find no merit in the present writ petition. Hence, Criminal Writ Petition No.699/2015 is dismissed.

JUDGE