

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD**

CRIMINAL WRIT PETITION NO.1224 OF 2016

Madhuri Satish Patil

...Petitioner

VERSUS

The State of Maharashtra

...Respondent

.....

Shri M.S.Sonawane, advocate for petitioner

Shri K.D.Munde, A.P.P. for respondent

.....

CORAM : N.W.SAMBRE, J.

DATED : 17th October, 2016

PER COURT :-

Heard.

2. For offences punishable under Sections 406, 420, 465, 468, 477-A of the Indian Penal Code, the present petitioner initiated Regular Criminal Case No. 78 of 2003 against the accused. From the record, it depicts that the charge came to be framed on 28.9.2005 and summons to witness

Tanaji, for the first time, appears to have been ordered on 11.3.2010. It appears that in spite of various attempts on the part of the prosecution to serve the said witness, the said witness remained unserved for want of correct address, and as such, vide order, dated 13.2.2014 the Court ordered closure of prosecution evidence.

3. An application was filed for opening the prosecution evidence, as the correct address of said witness was located. The said application came to be rejected by the learned Additional Sessions Judge in Criminal Revision Application No. 199 of 2014 and also by the learned Magistrate in Regular Criminal Case No. 78 of 2003. As such, the present proceedings.

4. The only ground that is pressed in service is that, having found the correct address of the witness, an opportunity be given to the present petitioner/complainant to examine the said witness Tanaji, whose address was recently traced. In my

opinion, such opportunity, if granted, virtually will amount to granting premium on the conduct of present complainant, who was duty bound to supply the list of witnesses along with address in the beginning of trial itself. Apart from above, there was enough time granted to the petitioner to furnish correct address of the said witness, so that witness summons could be served on him, as is apparent from Roznama from 2010 to 2014.

5 In my opinion, in view of above observations, no case for interference is made out. Criminal Writ Petition, as such, fails and is dismissed.

(N.W.SAMBRE, J.)

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