

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2344 OF 2016**

Somling Ramu Naik	...Petitioner
Versus	
The State of Maharashtra	...Respondent

Mr. Kuldeep Nikam for the Petitioner

Ms. P. P. Shinde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 22nd AUGUST, 2016

P.C. :

1. Heard learned Counsel for the petitioner and the learned A.P.P.

2. By this petition, the petitioner seeks setting aside of the order dated 25th May, 2016 passed by the learned Special Judge and Additional Sessions Judge-2, Sangli and seeks permission to recall the prosecutrix and permission to further cross-examine the said witness.

3. Learned Counsel for the petitioner submits that the petitioner is an illiterate person and economically not sound and hence, could not give proper instructions to his Advocate and hence, his Advocate could not

cross-examine the prosecutrix properly. He submits that the petitioner, in the interest of justice, be permitted to cross-examine the prosecutrix.

4. Learned A.P.P opposed the petition. She submitted that no interference is warranted in the impugned order.

5. Perused the papers. It appears that on 22nd February, 2016, the prosecutrix who was a minor was examined as prosecution witness No. 1. She was cross-examined on the very same day by the Advocate for the petitioner. On 18th March, 2016, after almost one month, the petitioner filed an application seeking recall of the said witness, as he intended to cross-examine the said witness on certain points. The said application dated 18th March, 2016 is bereft of any details, with regard to the grounds on which he intends to cross-examine the witness. It is pertinent to note, that neither on the date when the prosecution witness was cross-examined by the Advocate for the petitioner nor any time thereafter till 18th March, 2016, any grievance/objection was made/raised by the petitioner. Even in the present petition, what is stated by the petitioner is, that he showed the notes of evidence to a legal expert and discussed the details of the evidence, after

which he realized that his Advocate has not cross-examined several points. Even in the present petition, what were the points for recalling the witness for cross-examination have not been spelt out.

6. On a perusal of the cross-examination of the prosecutrix, it is evident that she has been cross-examined at length. Considering the aforesaid, the learned trial Court has rightly rejected the prayer for recall of the said witness. No interference is warranted. Petition is accordingly rejected.

REVATI MOHITE DERE, J.