

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 191 OF 2017

HEMANT ANGLE., ... Petitioner

Versus

DEEPAK PAWAR AND 2 ORS., ... Respondents

Mr. Amey Prabhudessai, Advocate for the Petitioner.

Coram:- C. V. BHADANG, J.

Date:- 15th November 2017

P.C:

Heard the learned Counsel for the petitioner.

2. The petitioner is challenging the order dated 30.09.2016, passed by the learned Magistrate, by which an application (Exhibit-48) filed by the petitioner, purportedly under Section 311 of Cr.P.C. for permission to examine Dr. Shekhar Salkar as a witness has been dismissed.

3. The learned Counsel for the petitioner submits that the witness is required to be examined to meet the effect of cross examination of the complaint and as such, is a relevant witness. I do not find that on the submission as made, the impugned order needs interference. This is because the Court has discretion under Section 311 of Cr.P.C. to examine or re-examine the witness, provided it is shown that examination of such witness is

necessary for just decision of the case. The application filed on 31.08.2016 does not make out any case as to why, the evidence of such witness is necessary for just decision of the case. The complaint filed by the petitioner is under Section 500 of IPC and only in order to meet the effect of cross examination of the complaint, the examination of the witness may not be permitted.

Admittedly, the name of the witness is not mentioned in the list of witnesses filed along with the complaint. The impugned order does not show any infirmity, so as to require interference.

The Criminal Writ Petition is accordingly dismissed.

C. V. BHADANG, J.

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