

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. REVISION APPLICATION NO. 351 OF 2017

Santosh Bhimashankar Jamadar .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. K. N. Marathe, Advocate, for the Applicant

Mr. A. D. Kamkhedkar, APP, for the Respondent – State

CORAM : A.S.GADKARI, J.

DATE : 11.12.2017

P.C.

. The present Revision is directed against the Order dated 03.05.2017 passed by the learned Additional Sessions Judge, Pune below Exh. 25 in Special Case No. 324 of 2014.

2. The record indicates that the Applicant is an accused in the said Special Case No. 324 of 2014 registered under Sections 354B & 452 of the Indian Penal Code and under Sections 7 & 8 of the Protection of Children from Sexual Offences Act (for short 'POCSO'). The record further indicates that examination-in-chief of Bansi M. Rokade (PW.1) i. e. the father of victim girl was recorded on 04.01.2017. That Advocate for the Applicant was absent at the time of recording cross-examination and the Applicant denied to take cross-examination in person. The trial

Court, therefore, closed the evidence of Banshi M. Rokade (PW.1). The record further indicates that on the same day itself i. e. 04.01.2017, the Advocate for the Applicant conducted cross-examination of Yashwant More (PW.2). However, did not file an Application for re-calling of the witness namely Banshi Rokade (PW.1). The present Application below Exh. 25 has been filed belatedly i. e. on 22.03.2017. By the time the Applicant filed the Application below Exh. 25 on 22.03.2017, the recording of evidence of three other witnesses was already completed. It appears that the Applicant waited till recording of evidence of other witnesses to see whether some admissions are being given by them in his favour and when it appeared to him that the said attempt was frustrated, the present Application is filed.

3. After perusing the impugned Order dated 03.05.2017, I find that the trial Court after taking into consideration all the necessary aspects of the matter has rejected the said Application filed below Exh. 25. I find no irregularity or error in the impugned order passed by the trial Court.

4. Revision Application is accordingly rejected.

(A.S.GADKARI, J.)