

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

WRIT PETITION NO. 3006 OF 2017

Murad I. Metkar

..Petitioner

v/s.

State of Maharashtra

..Respondents

Mr.Satish Kamat i/b. S.M.Kazi for the Petitioner.

Mr.S.S.Kaushik, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : NOVEMBER 29, 2017.**

P.C.

1. The petitioner herein who was accused in Sessions Case No. 10 of 2015 on the file of the Sessions Judge at Khed, Ratnagiri, has challenged the order dated 21st June, 2017 whereby the learned Addl. Sessions Judge has allowed the prosecution to examine the victim girl and also to appoint an Interpreter.
2. The only objection of the petitioner appears to be that the prosecution had filed the application after closing of the evidence. The petitioner has claimed that by filing the said application, the prosecution was trying to fill in the lacuna.
3. It may be mentioned that Section 311 of Cr.P.C. empowers the court at any stage of any inquiry, trial or other proceeding under this Code to summon any person as a witness or examine any person present as a witness or recall and re-examine any person already examined if evidence of such person appears to be essential to the just decision of the case.

4. A plain perusal of the said Section clearly indicates that the Court has vast powers to summon any person as witness at any stage of the proceeding, provided that the evidence of such witness is essential to the just decision of the case. In the instant case, the prosecution had not examined the victim of rape. Needless to state that the evidence was essential for the just decision of the case. There is no merit in the petition. The petition is therefore dismissed.

(ANUJA PRABHUDESSAI, J.)