

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 156 OF 2018**

Nimraj Rajejirao Naik Nimbalkar

....Petitioner.

Vs.

Amol Shashikant Bhoite & Anr.

....Respondents.

Adv. Prasanna Shahane I/by Milind Deshmukh for the Petitioner.

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

Mr. Amit Sale I/by Tukaram Shendge for the Respondent No.1.

CORAM : A. S. GADKARI, J.

DATE : 5th OCTOBER, 2018.

P.C.:-

The Petitioner-original accused has impugned Order dated 3rd November, 2017 passed below Exhibit 66 in Summary Case No. 255 of 2015, by the learned Judicial Magistrate, First Class, Phaltan, District Satara, thereby allowing the Complainant to lead additional evidence with respect to the documents, which are on record and exhibited in pursuance of Order dated 13th February, 2017 passed below Exhibit-57.

2 The record indicates that, the Complainant had filed Applications below Exhibit Nos. 56 and 57 for recalling of the witness namely Sanjakumar Chandulal Gandhi and for producing additional

documents on record respectively. The Application below Exhibit-56 for recalling witness was rejected and the Application below Exhibit-57 for exhibiting documents came to be allowed by the Trial Court.

3 In furtherance of Order dated 13th February 2017, the Respondent No.1-Complainant produced on record the said documents and prayed for leading additional evidence in that behalf by filing an Application below Exhibit 66, which is allowed by the impugned Order dated 3rd November, 2017.

4 The right of the Petitioner, being an accused, to further cross-examine of the Complainant is not fortified by the Trial Court and the same is expressly kept open. Even otherwise, no prejudice would be caused to the Petitioner, if the Complainant is allowed to lead additional evidence pertaining to the documents filed on record in pursuance of the Order dated 13th February 2017 below Exhibit 57.

5 After perusing the record, this Court is of the considered view that, the Trial Court has not committed any error either in law and/or on facts while passing Order dated 3rd November 2017.

6 Petition being devoid of merits, is accordingly rejected.

(A.S. GADKARI, J.)