

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

CRI. WRIT PETITION NO. 1061 OF 2017

The State of Maharashtra

... Petitioner.

V/s.

Nirmal G. Singhavi

... Respondent

Mr. A.R. Patil, APP. for the Petitioner.

CORAM : A.S.GADKARI, J.

DATE : 05th Sept. 2018

P.C.:

1. By the present writ petition the State of Maharashtra has impugned the Order passed below Exhibit 26 in CC NO.1005/PS/2005, by the Additional Chief Metropolitan Magistrate, 11th Court, Kurla, Mumbai, rejecting the application of the prosecution for calling Chemical Analyzer's report and to direct the Chembur Police Station to summon the Senior Police Inspector/Investigating Officer to produce the C.A. report.

2. The record indicates that, in the present case for more than 10-years have been passed and the statement of the accused under Section 313 of Cr.P.C. was already recorded. The application preferred by the prosecution

below Exhibit 21 under Section 91 of Cr.P.C. was also rejected by the Trial Court. It appears that, on the date of passing of the impugned order only pronouncement of the Judgment by the Trial Court was remaining and therefore, the Trial Court rejected the said application filed below Exhibit 26.

3. I find no error in the order passed by the Trial Court. No merits in the petition.

4. The petition is accordingly rejected.

(A.S.GADKARI, J.)