

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

CRIMINAL APPLICATION No.1407 OF 2018

Krunal Kishor Patel

... Applicant

Vs.

State of Maharashtra

... Respondent

Mr.Niranjan Mundargi i/b Shyamrishi Pathak for the Applicant

Mr.Y.Y. Dabke, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: DECEMBER 7, 2018

P.C.:

1. This application is moved against the order dated 13.11.2018 rejecting the issuance of the warrant against the witness Shri A.M. Kawale. The accused is facing prosecution u/s 135 of the Indian Electricity Act. The evidence is over. The statement of the accused u/s 313 of the Code of Criminal Procedure is also recorded. However, the applicant/accused wanted to examine Shri Kawale as defence witness to prove one document dated 25.3.2014. The accused has given this document for admission to the prosecution u/s 294 on 5.7.2018. As the prosecution refused to admit the said document, the application

was moved on 13.7.2002 for issuance of summons to Kawale. It was allowed. The summons was issued. Thereafter, as the summons could not be served, another application was made for re-issuance of summons. The order was accordingly passed on 29.9.2018. Then again, on 1.11.2018, another application was moved for grant of time as A.M. Kawale had retired and was staying at Akola and time was sought to get his whereabouts. That time was also granted as a last chance and the matter was fixed for arguments. Then, on 13.11.2018, an application was moved as he is not found. The Court rejected the application and refused to issue summons.

2. In this view of the matter, no illegality is found with the impugned order. Application is dismissed. The trial Court to proceed.

(MRIDULA BHATKAR, J.)