

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

CRIMINAL REVISION APPLICATION NO.30 OF 2019

Henry Samuel Jacob

... Applicant

Vs.

The State of Maharashtra

... Respondent

Ms.Apeksha Vora for the Applicant

Mr.A.R. Patil, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JANUARY 22, 2019

P.C.:

1. This revision application is filed invoking the powers of this Court under sections 397 and 401 of the Criminal Procedure Code. The applicant/accused is facing charges and trial for the offence of murder under section 302 as also under sections 366, 376D r/w section 34 of the Indian Penal Code and also under sections 3, 4 and 6 of Protection of Children from Sexual Offences Act. All the witnesses are over and now the Investigating Officer is in the box.
2. The learned Counsel for the applicant/accused has challenged various orders passed by the learned trial Judge during

the trial. The applications were filed for correction of evidence however, they are not exhibited. She has further submitted that the evidence of the Investigating Officer is being recorded in the Chamber and the evidence is not audible to the accused, who sits behind a wall and, therefore, the applicant/accused has moved an application before the learned Principal Sessions Judge for transfer of the Case from the current Presiding Officer to some other Judge. The learned Principal Sessions Judge by order dated 15.12.2018 has rejected the said application.

3. Learned Prosecutor confirmed that examination of all the witnesses is over and now, only the Investigating Officer is in the box.

4. I have considered the submissions made by the learned Counsel and also the orders passed by the learned trial Judge and also of the learned Principal Sessions Judge. The order passed by the learned Principal Sessions Judge cannot be faulted with, however, the matter can be put to an end with the following order:

- i) The learned trial Judge shall exhibit the applications filed for correction of evidence by the applicant/accused and

pass order on them, if they are not decided as yet;

ii) The learned trial Judge while recording the evidence of the witnesses and now, the Investigating Officer, shall take care that the evidence should be audible to the accused, wherever it is recorded.

5. Revision application is dismissed accordingly.

(MRIDULA BHATKAR, J.)