

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

CRIMINAL APPLICATION NO. 385 OF 2019

Abhishek Pravin Patil and Ors.

...Applicants

Versus

The State of Maharashtra and Anr.

...Respondents

Mrs. Kavita M. Pawar for the Applicant.

Mrs. G.P. Mulekar, APP for Respondent – State.

CORAM : S.S. SHINDE, J.

DATE : 27th SEPTEMBER 2019

PER COURT :

1. Heard counsel appearing for the Applicant. She invites attention of this Court to the impugned order and submits that, the Advocate, who cross-examined the PW – 1 and 2, who did asked only two questions, and other relevant question, which are necessary to be put to the prosecution witnesses no. 1 and 2, were not asked by the said Advocate, and therefore, the applicant filed the application below Exhibit – 49 for recalling the PW -1 and 2 for cross-examination. It is submitted that, in the interest of justice said application ought to have been allowed.

2. On the other hand, learned APP appearing for Respondent – State submits that, merely two questions were asked by the earlier Advocate

is not a ground to accede to the prayer of the applicant. Learned APP invites attention of this Court to the observation made by the Trial Court in the paragraph no. 5 and submits that application may be rejected.

3. Upon appreciating the rival contentions and keeping in view the reason assigned by the learned Trial Court in paragraph no. 5 of the impugned order, the view taken by the Trial Court appears to be correct and order impugned in the present application does not require any interference at the hands of this Court. Hence, Criminal Application stands rejected.

(S.S. SHINDE, J.)