

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

WRIT PETITION NO.4017 OF 2019

Rajesh Mahaveer Verma

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

.....

Mr.Sachin R. Pawar for the Petitioner.

Mr. Vinod Chate, APP for Respondent No.1-State.

.....

CORAM : S.S.SHINDE J.

DATE : 09 AUGUST 2019

P.C.:

1. This petition takes an exception to the order dated 10.07.2019 passed by the learned District Judge-4 & Addl. Sessions Judge, Pune below exhibit 33 in Criminal Appeal No. 79 of 2017.

2. Heard learned Counsel appearing for the petitioner. He invites attention of this Court to the contentions of the application and also the present petition, and submits that in the interest of justice, application of the petitioner to cross-examine the complainant ought to have been

allowed by the Appellate Court. He further submits that in the interest of justice, such prayer ought to have been considered by the Appellate Court. He further submits that when the property, which was given for development, was under reservation and the said fact was not within the knowledge of the petitioner and, therefore, the petitioner wants to cross-examine the complainant on the said aspect.

3. It appears that the case was pending before the trial Court for three years. When the matter reached to the Appellate Court belatedly an attempt was made by the petitioner to file an application for cross-examination of the complainant. In paragraph 10 of the impugned order, the Appellate Court has observed that, artificial and new ground for additional evidence has been sought to be created by the petitioner. On this ground already cross-examination was taken and at that time only, appellant was aware about the contents of the documents, which is now sought to be produced and proved by way of additional evidence. It is also observed that, for last five years, the matter was pending before the Appellate Court and the trial Court.

4. This Court is of the opinion that the view taken by the Appellate Court is in consonance with the material placed on record. There is no

perversity in the order passed by the Appellate Court. No case is made out. Hence, the petition stands rejected.

(S.S.SHINDE, J.)