

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1262 OF 2019

Vrindavan Jairam Gupta : Applicant.

Versus

The State of Maharashtra and ors. : Respondents.

Mr. Sandeep R Karnik for the Applicant.

Mrs. Rutuja Ambekar, APP for the Respondent/State.

CORAM : S. S. SHINDE, J
DATE : 30th September 2019

P.C.

1 Heard the learned counsel for the Applicant and learned APP for the Respondent/State.

2 The learned counsel appearing for the Applicant invites attention of this Court to the averments made in the application which was filed before the Trial Court by invoking Section 311 of the Criminal Procedure Code so as to recall the medical officer in respect of the allegation made in the complaint, and the said allegation is not part of the complaint which was originally filed. According to the learned counsel for the Applicant, during the pendency of the trial, the incident of assaulting the applicant by the same accused who are facing trial has happened and therefore it is necessary to summon the medical officer.

3 On the other hand, the learned APP appearing for the Respondent/State relying upon the observations made in paragraph 7 of the impugned order, submits that in the original complaint there are not allegations for which the applicant prays for to examine the medical officer.

4 Upon hearing the counsel for the parties and keeping in view of the observations made by the learned Magistrate in paragraph 7 of the impugned order and in view of the fact that the matter before the trial court is fixed for final arguments, no case case for causing interference in the impugned order is made out. The criminal application stands rejected.

[S. S. SHINDE , J]