

Anand

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

WRIT PETITION NO. 4684 OF 2019

Ravindra Balasaheb Dorge

.Petitioner

Vs.

The State of Maharashtra & anr.

.Respondents

Mr. Rahul S. Kate, Advocate, for the Petitioner

Mr. A. R. Patil, APP, for the Respondent No. 1 – State

CORAM : REVATI MOHITE DERE, J.

DATE : 26.11.2019

P. C.

. Heard learned counsel for the parties.

2. By this Petition, the Petitioner has impugned the order dated 30.07.2019 passed by the learned Judicial Magistrate First Class, Ghodnadi (Shirur), Pune below Exh. 93 in SCC No. 1482 of 2016, by which the Applicant's Application for re-calling the Respondent No. 2 (Complainant) for cross-examination was rejected.

3. Perused the papers. The Applicant is facing prosecution under Section 138 of the Negotiable Instruments Act. The said complaint has been filed by the Respondent No. 2 (Complainant). After the evidence of the Respondent No. 2 was recorded and he was cross examined at length and after all the evidence was recorded in the

said case, the matter was posted for arguments, when the Applicant filed an Application for re-calling the complaint for his further cross-examination.

4. It is well settled that the power conferred under Section 311 of the Code of Criminal Procedure must be invoked by the Court only in order to meet the ends of justice, for strong and valid reasons and that the said power is to be exercised with great caution. The Application is filed belatedly at the stage of final arguments in the said case. The Respondent No. 2 was cross examined at length earlier. In the facts, there are no strong and valid reasons for re-calling the Respondent No. 2 as a witness. Having perused the impugned order dated 30.07.2019 passed by the trial Court, no infirmity is found in the said case. Hence, the Application stands rejected.

(REVATI MOHITE DERE, J.)