

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1724/2019

NAZIM NAZIR SHAIKH APPLICANT.

VERSUS

STATE OF MAHARASHTRA RESPONDENT.

Advocate Mr.Debajyoti Talukdar for applicant.

APP Mr.AR Kapadnis for State.

CORAM : A. M. BADAR, J.

DATE: 18TH DECEMBER 2019.

P.C.:

1 Heard learned counsel for applicant/accused No.1 at sufficient length of time.

2. Prayer in the instant application is to quash and set aside order dated 08/02/2019, passed by the learned Assistant Sessions Judge, Pune on application below Exhibit 16, moved

by applicant/accused No.1.

3. By this application under Section 231(2) of the Cr.P.C., the applicant/accused No.1 prayed for deferring cross examination of PW 1 Sambhaji Devikar till examination of other witnesses of the prosecution. The learned trial Court rejected this application (Exhibit 16) by holding that the trial was adjourned twice for cross examination of PW 1 Sambhaji Devikar by accused persons and no convincing ground is seen for invoking provision of Section 231(2) of the Cr.P.C.

4. It is reported by the learned counsel for applicant/accused No.1 that by now 7 prosecution witnesses are already examined. In this view of the matter, challenge to order below Exhibit 16, is rendered infructuous. The application is, therefore, rejected.

(A. M. BADAR, J.)

