

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR.**

**Criminal Revision No.11 of 2019**  
**( Ramesh Balasaheb Gaikwad .vs. State of Maharashtra through PSO PS**  
**Mankapur, Nagpur. )**

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders or directions                      Court's or Judge's orders.  
and Registrar's orders

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Mr. A.K. Madane, Advocate for Applicant  
Mr. M.J. Khan, APP for Non-applicant/State.

**CORAM : Manish Pitale, J.**  
**DATED : June 25, 2019.**

By this application, the applicant (original accused) has challenged order dated 05.01.2019 passed by the Sessions Court, Nagpur, whereby an application moved on his behalf to recall the complainant in the witness box, has been rejected.

2. The applicant and other co-accused persons have been charged with having committed rape of the victim complainant.

3. The application in question was moved on behalf of the applicant on the basis of certain documents in the form of certificates and panchanama said to have been brought to the notice of the counsel for the applicant for the first time after the evidence of the victim complainant had been recorded. It was on this basis that prayer was made in the application for recalling the victim complainant.

4. The Sessions Court has found that the applicant has failed to make out any ground for recalling the complainant because the documents in question did not inspire confidence and that in any case, the applicant could call witnesses in support of the aforesaid documents sought to be used in his defence.

5. A perusal of the reasoning given by the Sessions Court in the impugned order shows that it cannot be said to be erroneous. The Sessions Court has found that the applicant has relied upon certain documents in order to support his application for recalling the complainant. Copies of the said documents are also placed on record before this Court. A perusal of the said documents shows that they are in the form of the certificates and documents obtained from the portal of a Government Department of the Government of Madhya Pradesh. Even if the applicant seeks to rely upon the said documents, he can very well call witnesses before the trial Court in support of his defence and for this reason there is no necessity to recall the complainant. In fact, as noted above, the Sessions Court has also made such an observation while passing the impugned order.

6. In view of the above, the present revision application is found to be without any merit and it is dismissed.

**JUDGE**