

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

CRIMINAL APPLICATION (APL) NO.247 OF 2019

(ARVIND KESHAORAO KATRATWAR...VS.. STATE OF MAHARASHTRA THR. PSO SIRONCHA.)

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

Court's or Judge's orders

Shri V.N.Morande, Advocate for Applicant.
Shri A.M.Kadukar, A.P.P. for Non-applicant/State.

CORAM : Z.A.HAQ, J.

DATED : MARCH 06, 2019.

Heard.

In the trial, the applicant-accused No.22 had filed application (Exh.329) under Section 311 of the Code of Criminal Procedure praying that the prosecution witness No.1 be recalled for cross-examination. The application (Exh.No.329) is dismissed by the trial Court by the impugned order.

According to the applicant, though P.W. No.1 was earlier cross-examined by the Advocate representing the applicant, due to inadvertence, some documents were not referred to P.W. No.1 during the cross-examination and subsequently the applicant engaged another Advocate and after examining the material, the Advocate engaged by the applicant subsequently advised the applicant to file application under Section 311 of the Code of Criminal Procedure and accordingly the application came to be filed.

On query, the learned Advocate for the applicant has pointed out that after recording of the evidence of P.W. No.1 is over, six witnesses are examined on behalf of the prosecution and they are cross-examined at the behest of the accused. In such circumstances, the learned Chief Judicial Magistrate has rightly rejected the application (Exh.329). It cannot be said that the learned Chief Judicial Magistrate has committed any error or has failed to exercise jurisdiction vested in him. I see no reason to interfere with the impugned order.

The criminal application is **dismissed**.

JUDGE

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