

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.242/2020

TUSHAR NAMDEO HAMBIR ... APPLICANT.

VERSUS

THE STATE OF MAHARASHTRA ... RESPONDENT.

Mr. Aniket Nikam i/b Vivek N. Arote, Advocate for the applicant.

Mr.S.V.Gavand, APP for State.

CORAM : A. M. BADAR, J.

DATE : 12TH FEBRUARY 2020.

P.C.:

1. Heard learned counsel appearing for applicant at sufficient length of time. When this court was not inclined to entertain this application, the learned counsel for applicant seeks permission to withdraw the instant application.
2. However, as it is seen that report of Ballistics Expert is

not on the file of the learned trial court and as it is seen that by issuing letter to the Forensic Laboratory, Sub-Divisional Police Officer had called for Ballistics report, in the event of filing of such report of Ballistics Expert by prosecution before learned trial court, the learned trial court shall grant liberty to the applicant/accused to recall witnesses for cross examining them in the light of report of Ballistic Expert.

3. With these observations, the petition is disposed of as withdrawn.

4. Applicant is further permitted to move appropriate application before the learned trial court regarding cross examination of witnesses on other permissible grounds and learned trial court shall be free to decide such application on its own merits.

(A. M. BADAR, J.)