

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

CRIMINAL WRIT PETITION NO. 83 OF 2021

(Sharad Kesharao Pawar ..vs.. State of Maharashtra, through PSO, PS Kholapur, District Amravati)

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

Court's or Judge's orders

Mr. R.J. Shinde, Counsel for the petitioner.

CORAM : ROHIT B. DEO, J.

DATED : 27-01-2021

The submission of the learned Counsel for the petitioner is that the learned Sessions Judge committed an error in refusing to exercise jurisdiction under Section 311 of the Criminal Procedure Code.

2. The accused moved an application, at the stage of final arguments, seeking recall of certain witnesses on the ground that the witnesses were not cross-examined on the aspect of a report lodged by the brother of the accused alleging commission of offence under Section 326 of the Indian Penal Code.

3. The learned Sessions Judge has noted in the judgment impugned that PW 1, PW 2 and PW 3 have, as a fact, been cross-examined on the said aspect and that PW 3 has admitted that the trial is pending in the Bhatkuli Court.

4. Depositions are not placed on record, with the

result, it is impossible for this Court to ascertain the worth of submission.

5. The petition is dismissed.

JUDGE

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