

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

Criminal Application (APL) No. 1125 of 2021

- (1) Mahadev Namdev Mise
Age : 48 yrs., Occu. : Agriculturist,
R/o : Dhansal, Tq. : Pusad,
Distt : Yavatmal.
- (2) Amol Ashok Mise
Age : 38 yrs., Occu. : Agriculturist,
R/o : Dhansal, Tq. : Pusad,
Distt : Yavatmal.
- (3) Govind Mahadev Mise
Age : 20 yrs., Occu. : Agriculturist,
R/o : Dhansal, Tq. : Pusad,
Distt : Yavatmal.
- (4) Anil Dnyaneshwar Mise
Age : 20 yrs., Occu. : Agriculturist,
R/o : Dhansal, Tq. : Pusad,
Distt : Yavatmal.
- (5) Rambhau Mahadev Mise
Age : 33 yrs., Occu. : Agriculturist,
R/o : Dhansal, Tq. : Pusad,
Distt : Yavatmal.
- (6) Ravi Ashok Mise
Age : Adult, Occu. : Agriculturist,
R/o : Dhansal, Tq. : Pusad,
Distt : Yavatmal.

... Applicants

.. Versus ..

State of Maharashtra
Through PSO Police Station Pusad (Rural)
Pusad, Distt : Yavatmal

.... Non-Applicant

Mr. S. A. Chaudhari, Advocate for the applicant
Mr. N. S. Rao, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.
DATED : 25-10-2021

ORAL JUDGMENT

Rule. Rule made returnable forthwith.

2. Heard finally with consent of learned counsel appearing for the parties at the admission stage.

3. The applicants are arraigned as accused in Crime 280/2016 for offences punishable under Sections 143, 147, 148, 149, 324 and 506 of the Indian Penal Code registered at Police Station, Pusad (Rural) on the basis of complaint lodged by Mr. Sandip Nagorao Mise.

4. Upon culmination of investigation, the applicants came to be chargesheeted and one witness to the spot panchanama is Vinod Parasram Ade.

5. During the course of the trial, the Investigating Officer preferred application, Exhibit 105 through the Prosecutor seeking permission to examine witness Indrajeet Parasram Ade. The gist of the

application is that witness Indrajeet Parasram Ade is also known as Vinod Parasram Ade. An affidavit was placed on record along with application, Exhibit 105 asserting that Indrajeet Parasram Ade and Vinod Parasram Ade is the same person. The application further emphasized that the summons is received by Indrajeet Parasram Ade and that he has signed the spot panchanama as V. P. Ade. It is further asserted that the witness does sign as V. P. Ade at times.

6. The applicants objected to Indrajeet Parasram Ade being examined. The objection is not signed much less affirmed by any of the applicants and is signed only by their counsel. Be that as it may, the objection is that there is no authentic document or record to show that Indrajeet Parasram Ade is Vinod Parasram Ade. The learned trial Judge was pleased to direct the Investigating Officer to ascertain whether Indrajeet Parasram Ade is as a fact Vinod Parasram Ade. The Investigating Officer filed his response stating that enquiries with the villagers have confirmed that Indrajeet Parasram Ade and Vinod Parasram Ade is the same person. The Investigating Officer further produced the said witness before the learned trial Judge. In this view of the matter, the learned trial Judge allowed the application, Exhibit 105 which sought examination of Indrajeet Parasram Ade.

7. In my considered view, no fault can be found with the impugned order. Apart from the fact that there is material to show that Indrajeet and Vinod are two names of the same person, the power of trial Judge under Section 311 is extremely wide. At this stage, it cannot be said that Indrajeet Parasram Ade is alien to the spot panchanama.

8. The petition is substanceless and is dismissed with costs of Rs. 3,000/- (Rupees Three Thousand) in aggregate to be paid equally by the applicants herein.

JUDGE

wasnik