

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.116 OF 2022

Maheboob Husain Mulje

..Petitioner

Vs.

State of Maharashtra

..Respondent

Mr.G.N.Chincholkar, Advocate for petitioner

Mr.S.P.Sonpavale, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : FEBRUARY 14, 2022**

ORDER :-

The challenge in this petition is to the order dated 16.12.2021 passed by learned Sessions Judge, Latur, on application (Exh.76) in Sessions Case No.63 of 2019.

2. Vide the impugned order, the application moved by the prosecution for recall of certain witnesses for further examination was allowed. The prosecution wanted to further examine PW 3 – Girish, panch witness to the seizure of a knife. It has been mentioned in the application itself that the knife was not before the Court for being shown to the witness while his examination-in-chief was underway. It has also been mentioned in the application that the knife was required

to be shown to PW 6 – Dr.Pathan, Medical Officer, and the same was not before the Court.

3. The reasons for which recall of witnesses has been sought are quite reasonable. The offence is under Section 302 of Indian Penal Code. Whatever submissions made by learned counsel for the petitioner herein, are regarding merit of the matter. Whether it was really the recovery pursuant to Section 27 of the Evidence Act or was there any blood stains on the knife, are the matters to be considered by the trial Court on appreciation of evidence in the case. The petitioner herein would have ample opportunity to cross-examine the concerned witnesses.

4. The trial Court has rightly allowed the application (Exh.79). This Court finds no reason even to issue notice to other side. The petition, therefore, fails and stands dismissed.

[R.G. AVACHAT, J.]

KBP