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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3974 OF 2021

Lingutala Marutiprasad	...Petitioner
Versus	
The State of Maharashtra and Anr.	...Respondents

Mr. Ramprakash Pandey for the Petitioner.

Mr. Rajesh Jain a/w Mr. Rohit Jain & Ms. Rashi Sheth i/b Legal Juris for the Respondent No.2.

Mr. A.D.Kamkhedkar, A.P.P for the Respondent No.1-State.

CORAM : REVATI MOHITE DERE, J.
DATE : 16th MARCH, 2022

P.C. :

1. As far as prayer for recalling of PW-1 under Section 311 of the Criminal Procedure Code is concerned, learned Counsel for the petitioner does not press for, for the said prayer. He, however, states that the petitioner be permitted to examine himself as a defence witness. On the last date i.e. on 9th March, 2022, learned Counsel for the petitioner had submitted that the petitioner is ready to file an affidavit-cum-undertaking that he will not seek any adjournment and that he will remain present in the trial Court on all the dates given by the trial Court.

2. Today, learned Counsel for the petitioner has tendered an affidavit-cum-undertaking of the petitioner. The same is taken on record and marked as **X-for identification**. In the said affidavit-cum-undertaking, the petitioner has undertaken to remain present in the trial Court for recording of his evidence on the dates given by the trial Court. He has also undertaken not to seek any adjournment in the trial Court and that he will fully co-operate in the conduct of the proceedings before the trial Court.

3. Learned Counsel for the respondent No.2 fairly states that if the petitioner is ready to abide by his undertaking i.e. to proceed with the case on the dates given by the trial Court, without seeking any adjournment, he will not object to the petitioner examining himself, as a defence witness.

4. Considering the aforesaid, the trial Court to permit the petitioner to examine himself as a defence witness. The petitioner is present in person. He re-iterates what is stated by him in the affidavit-cum-undertaking. He states that he also intends to examine three more witnesses i.e. his brother, supervisor and clerk. He states that he will keep his witnesses present in Court on the dates given by the Court. Statement accepted.

5. Accordingly, all the defence witnesses to co-operate with the conduct of the trial and to remain present on the dates given by the trial Court. If the Court is of the opinion that the petitioner is trying to delay the hearing of the trial Court, it is always open for the Court to pass appropriate orders.

6. Petition is accordingly disposed of on the aforesaid terms.

7. Since the case is pending since 2016 and the trial is also at the fag end, the trial is expedited. The learned Judge, to conclude the case as expeditiously as possible and in any event, within six months from the date of receipt of this order.

8. The petitioner to pay costs of Rs.20,000/- to the respondent No.2 within one week from today.

9. All parties to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.