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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.4566 OF 2022

Arun Rabaji Hule & Anr.

... Petitioners

V/s.

The State of Maharashtra & Anr.

... Respondents

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Mr. Shailesh D. Chavan for the petitioners.

Mr. R.M. Pethe, APP for respondent no.1/State.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 22, 2022

P.C.:

1. The petitioners are challenging order of no cross of PW-1 and 2 in a prosecution under section 307 of the Indian Penal Code, 1860. According to the petitioners, the cross-examination of PW-1 and 2 was conducted by the petitioners in-person.

2. The petitioners, therefore, filed an application dated 14th October 2022 below Exhibit 28 for recalling of prosecution witness nos.1 and 2 under section 311 of the Criminal Procedure Code, 1973. According to him, the learned Sessions Judge is proceeding with the trial without deciding application under section 311 of the Code. Therefore, it would be interest of justice to direct the learned Sessions Judge to decide application under section 311 of the Code filed by the petitioners below Exhibit 28 before rest of the witnesses are examined.

3. The learned Sessions Judge is, therefore, directed to decide the application below Exhibit 28 in accordance with law before examination of other witnesses of the prosecution.
4. The writ petition is disposed of in above terms. No costs.

(AMIT BORKAR, J.)