

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO.235/2022

Vinod s/o Mahadeo Dandale and others

...Versus...

State of Maharashtra through Police Station Patur, Tah – Patur, Dist Akola

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

Court's or Judge's orders

Mrs. R.G. Nitnaware, Advocate for petitioners
Mrs. M.H. Deshmukh APP for respondent

CORAM : AVINASH G. GHAROTE, J.

DATE : 11/04/2022

1. Heard Mrs. Nitnaware, learned Counsel for the petitioners.
2. The present petition challenges the order dated 11/03/2022, passed by the learned Special Judge, Akola on an application under Section 311 of Cr. P.C., below Exh.55, seeking to recall PW.1 on the ground that the copy of the caste certificate (Exh.41), which was supplied to the petitioners, was illegible and therefore, appropriate questions could not be put.
3. The learned Special Court, in my considered opinion, has not committed any illegality in rejecting the application, for the reason that the complainant PW.1 was

examined on 23/10/2021, on which date, the original caste certificate was produced by her (Exh.41) and after verifying the copy on record with the original, which was marked as Exh.41, the original was returned back. On the same day, cross-examination was completed by the Counsel for the petitioners. No objection, whatsoever was raised, regarding the illegibility of the copy of the caste certificate, as supplied to the Counsel for the petitioners, which would indicate that there is no substance in the ground, for had the copy being illegible, an application to that effect or an objection specifying the same, would surely have been made and even otherwise, it would have been impossible for the Counsel to have conducted the cross-examination for want of illegible copy. The fact that the cross-examination was so conducted on 23/10/2021 itself would indicate the hollowness of the claim, which is now being set up. That apart, what is also material to be noted is that P.W.1 was examined on 23/10/2021 after whom as many as four witnesses have been examined and throughout this time, no objection of whatsoever nature regarding the illegibility of the copy supplied has been taken, considering which, I do not see any reason to interfere in the impugned order. The writ petition is without merit and is rejected. No costs.

(AVINASH G. GHAROTE, J.)