

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 440 OF 2022**

Shiva Ramkumar Sharma

... Petitioner

V/s.

The State of Maharashtra

... Respondent

None for Petitioner.

Ms.M.H. Mhatre, A.P.P. for Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 25th January 2023.****P.C. :**

1. The grievance of the Petitioner that, the concerned A.P.P. conducting his trial is insisting to examine particular number of witnesses with oblique motive, cannot be accepted.

It is the settled position of law that, it is the prerogative of the concerned A.P.P. to decide, as to how many witnesses to be examined in support of prosecution case at the time of trial. The accused cannot be permitted to dictate terms to the prosecution to examine or not to examine particular number of witnesses.

2. According to us, present Petition is misconceived and is accordingly dismissed in *limine*.

[PRAKASH D. NAIK, J.]**[A.S. GADKARI, J.]**