

GRM

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

CRIMINAL WRIT PETITION NO. 461 OF 2023

Pradeep Nagnath Hulle ... Petitioner

V/s.

The State of Maharashtra ... Respondent

Priyal C. Sarda, Adv. for the Petitioner.

Ms. Anamika Malhotra, APP for the State/Respondent.

CORAM : R. G. AVACHAT, J.

DATED : FEBRUARY 2, 2023

P.C. :

Heard.

2. The challenge in this writ petition is to the order rejecting the application for recall of the victim and her mother for further cross-examination.

3. Learned Advocate would submit that while the defence arguments were commenced, he realized that these two witnesses need to be further cross-examined.

4. In view of this Court, no recall of the witnesses can be asked for on this ground. This is nothing but filling-up the lacunae, if any. Admittedly both the victim and her mother were extensively cross-examined. After prosecution's evidence got over, the petitioner/accused was examined under Section 313 of the Code of Criminal Procedure, 1973. The arguments on behalf of the

defence were even advanced and then such application came to be preferred.

5. Learned Advocate for the petitioner has relied on a judgment of Hon'ble Apex Court in the case of **Godrej Pacific Tech. Limited vs. Computer Joint India Limited** reported in (2008)11 Supreme Court Cases 108.

6. In this factual backdrop and for the reason that no case is made out for recall of the witnesses, this Court even not inclined to issue notice. Hence, petition stands rejected and disposed of accordingly.

(R. G. AVACHAT, J.)