

GRM

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

CRIMINAL APPLICATION NO. 1137 OF 2022

The State of Maharashtra ... Applicant

V/s.

Mohd. Umar Jainuiabidin Shaikh ... Respondent

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

Mr. Bhanudas L. Jagtap, Adv. for the Respondent.

CORAM : R. G. AVACHAT, J.

DATED : MARCH 3, 2023

P.C. :

Heard.

2. The challenge herein is to the order passed by the Additional Sessions Judge rejecting the application (Exhibit-153) preferred by the prosecutor seeking permission to examine seven witnesses.

3. It is informed by the learned Advocate for respondent that three out of seven witnesses cited in application (Exhibit-153) have been examined.

4. The record indicates that because of stay granted by this Court, the hearing in the case has been stayed. The respondent/accused is in jail for little over five years. It is the case of offence of murder. For the reasons stated above and in the application (Exhibit-153), the application is allowed.

5. The Trial Court is directed to allow the prosecution to examine the witnesses cited in the application (Exhibit-153) and also to recall the witnesses cited in the application (Exhibit-154).
6. The Trial Court shall conclude the trial within a time-frame of four months from the date of receipt of a copy of this order.
7. The application stands disposed of accordingly.

(R. G. AVACHAT, J.)