

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4832 OF 2022**

Hiten Avlani ...Petitioner
Versus
Central Bureau of Investigation (EOW) and Anr. ...Respondents

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Mr. Jaideep Lele i/b Ms. Namrata Agashe, Advocate for the Petitioner.
Mr. Shreeram Shirsat a/w Mr. Amardeep Singh Sra, Nishi Singhvi,
Shekhar More, Advocate for the Respondent – CBI.
Ms. Anamika Malhotra, APP for the Respondent – State.

CORAM : R. G. AVACHAT, J.
DATE : 7th JANUARY, 2023.

PER COURT:

1. After having heard learned Advocate for the Petitioner at length, it appears that he is insisting on following the Model Rules formulated by the Hon'ble Supreme Court for recording of evidence through video conferencing. It is informed that examination-in-chief of the expert witness has already been recorded through video conferencing. The witness is Hyderabad based handwriting expert.
2. The learned Advocate for the Petitioner submits that the examination-in-chief of the witness, if found to have been recorded in breach of the Rules, would be non-est. The Court is not in agreement with him. The examination-in-chief of the witness, which has already been recorded, to stand as it is. The trial Court is directed to permit the Petitioner to cross-examine the witness

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through video conferencing on the scheduled date. The trial Court is expected to follow the aforesaid Rules as far as practicable.

3. Petition stands disposed of. Parties to act upon the authenticated copy of this order.

(R. G. AVACHAT, J.)