

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 865 OF 2024

Ashok Motilal Nahar And Others

VERSUS

The State Of Maharashtra

...

Advocate for the Petitioner : Mr. Bora Satyajit S.

APP for Respondent/State : Mr. S.B. Narwade

...

CORAM : S.G. MEHARE, J.

DATED : JUNE 12, 2024

PER COURT:-

1. Issue notice to the State.
2. Learned APP waives service of notice for the State.
3. Heard the respective counsels.
4. An application for recalling the witnesses has been rejected on the ground that no grounds were mentioned in the application. The applicants are facing the serious charges. However, it is the duty of the applicants to satisfy the Court why they wanted to recall the witnesses who are already examined.
5. In the interest of justice, an opportunity may be granted to the applicants to file a detail application with reasons for recalling the witnesses who have already been examined as mentioned in the present application.
6. For the above reasons, the writ petition is allowed. No order as to costs.

7. The order of the learned 2nd Judicial Magistrate First Class, Newasa passed below Exh.44 in Summary Criminal Case No.349 of 2022 dated 06.03.2024 stands quashed and set aside.

8. An opportunity is granted to the applicants to move a detail application with reasons to recall the witnesses.

(S.G. MEHARE, J.)