



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

958 CRIMINAL WRIT PETITION NO. 1215 OF 2024

RAHUL BHARAT BENDRE

VERSUS

SHITAL RAHUL BENDRE AND ANOTHER

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Advocate for Petitioner : Mr. Umesh R. Pawar (Through V. C.).

APP for Respondent-State : Ms. S. S. Joshi.

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CORAM : S. G. MEHARE, J.

DATE : 02.08.2024

PER COURT :-

1. Heard the learned counsel for the petitioner.
2. Issue notice to the respondents.
3. Learned APP waives service of notice for respondent-State.
4. The petitioner had filed applications before the Court to strike out some irrelevant portion in her evidence and recall the witness to prove the certified copy of the other proceeding.
5. The learned counsel for the petitioner submits that the Court restricted him to cross-examine the witnesses only on 125 of the Cr.P.C. The arguments of the learned counsel for the petitioner reveal that he drew the inference at his own that the

Court did not allow him to put the questions in cross-examination. On the contrary, the order dated 22.03.2024 passed below Exh.26 reveals that the Court has specifically observed that any other evidence which is led in this matter beyond the points of dispute. Besides, it is needless to say that any other evidence that is led in this matter beyond the points of dispute between the parties requires no consideration. These findings apparently does not affect the right of the petitioner to restrict his cross-examination.

6. So far as the other order below Exh.27, dated 22.03.2024 passed on an application under Section 311 of Cr.P.C. is concerned, learned counsel for the petitioner would argue that he wanted to place on record the certified copy of her cross-examination in a criminal case under Section 498-A of the Cr.P.C. for that purpose she should be recalled. The Court recorded findings that no party can be allowed to fulfill the lacuna in the evidence. Section 311 of the Cr.P.C. is no excuse for the same. The Court is of the view that producing the certified copy of any document does not require recalling the witness. Such documents are received in evidence, and only for that purpose witness need not be recalled.

7. Both impugned orders of the Trial Court are legal, proper and correct. There is no perversity in the impugned orders.

8. Hence, the writ petition stands dismissed at the admission stage.

(S. G. MEHARE, J.)

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