



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1711 OF 2022

JASMELSINGH NISHANSINGH WALLAH
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for the Petitioner : Mr. Shailendra S. Gangakhedkar
APP for Respondents: Mr. S. B. Narwade
...

CORAM : S. G. MEHARE, J.

DATE : 26-06-2024

PER COURT :-

1. Heard the learned counsel for the petitioner and the learned A.P.P. for the respondent.
2. The petitioner has impugned the common order below Exhibits-158, 161 and 163 in Sessions Case No.260 of 2019 dated 11.11.2022 of the learned Additional Sessions Judge-1, Nanded.
3. This seems to be a writ petition of its kind asking to strike down or delete some portion of the evidence recorded during the course of trial.
3. Learned counsel for the petitioner fairly concede that the objections raised about recording certain part of the evidence impugned before this Court, were taken on record by the trial Court. The procedure, in such a position, whatever the evidence that has been recorded and objected is not considered on merit. A

pursis to that effect is to be filed if question raised is not recorded. If the objections are recorded in evidence, it is a part of record that be read while appreciating the evidence on merit. The person raises such objection has also opportunity, how these questions/evidence was irrelevant and not admissible in evidence. It is not the case that the objections raised by the petitioner, during the course of evidence, were not taken a care of by the learned Additional Sessions Judge. In short, right of the defence to point out relevant or irrelevant portion of the evidence for which objection is raised, is still available at the time of arguments.

4. In view of the above discussion, the Court is of the view that the petition is devoid of merit, that to point out relevancy or irrelevancy of the part of the evidence objected is unaffected.

5. Criminal writ petition stands dismissed.

6. *Interim* stay stands vacated.

(S. G. MEHARE)
JUDGE

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