

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

CRIMINAL APPLICATION NO. 91 OF 2024

M/s. New Ambika Jewellers through its
Proprietor Narpatsingh Durgarsingh Deval ..Applicant
Vs.
Brajesh Gangaprasad Tripathi and Anr. ..Respondents

Mr. Sujay Gangal, for the Applicant.
Ms. Shilpa Talhar, APP for the Respondent – State.

**CORAM : R. N. LADDHA, J.
DATE : 29 FEBRUARY 2024**

P.C.

1. By this application, the applicant seeks to challenge an order passed by the learned Judicial Magistrate, First Class, Pune dated 13 September 2023. The order pertains to S.C.C. No.91/2016 and denies the applicant's request for recalling the witness.

2. Heard the learned counsel for the applicant and the learned APP for the State.

3. It is revealed from the records that the complainant examined himself and other witnesses. The complainant was cross examined on behalf of the accused on three separate occasions

i.e., 14 December 2016, 5 January 2017 and 7 January 2017. P.W. 2, Girish Lokapure, underwent cross examination on four different occasions i.e., 18 July 2017, 19 September 2017, 25 September 2017 and 2 January 2018. PW-4, Sunil Bapat, was cross examined on 23 February 2018. The statement of accused under Section 313 of Cr.P.C. was recorded on 25 February 2019 and was granted an opportunity to present his evidence. Consequently, the accused adduced his evidence on 16 April 2019, and underwent cross examination by the complainant on 5 December 2019. The matter was then adjourned for further cross examination. However, on 2 August 2022, the accused filed an application to recall the witnesses without specifying the cogent reason. This application was rejected by the trial Court by the impugned order dated 13 September 2023.

4. The record demonstrates that the accused had ample opportunity to cross examine the complainant and his witnesses. No new facts/ information has been introduced, nor has anything been mentioned in the application that necessitates recalling the witnesses. On the contrary, the material on record indicates that the accused is trying to prolong the trial. Accordingly, there is no basis for recalling the witnesses.

5. In light of the above, the present criminal application stands dismissed.

R. N. LADDHA, J.