

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

CRIMINAL REVISION APPLICATION NO. 247 OF 2024

Vijay Raghunath Keluskar

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr.Amey S. Ajgaonkar:-	Advocate for Applicant.
Mr.A.S.Gawai:-	APP for Respondent – State.

CORAM : S. M. MODAK, J.

DATE : 16th JULY 2024

P. C. :-

1. Heard learned appointed Advocate by the Committee to espouse the cause of the Applicant-Accused and learned APP.
2. The case is pending before the Court of JMFC – Malvan. The prosecution filed an Application as per the provisions of Section 311 of the Code of Criminal Procedure, 1973 (“Cr.P.C.”) for grant of permission to examine one Sunil Ramakant Keluskar. He is a witness cited as per the charge-sheet, however, remained to be examined due to oversight.

3. It is opposed on behalf of the Applicant. The reply is on Page No.17. The learned Magistrate as per the order passed on 10th January 2024 was pleased to reject the Application and granted permission to examine the witness.

4. I have gone through the order. This lacuna came to the notice of learned APP while advancing the final arguments. It was also objected that the said witness Sunil Ramakant Keluskar was attending the Court and prosecution was having ample opportunity to examine him. Also 10 witnesses are examined and the evidence closed purshis was given on 29th August 2022. Even, a statement of the Accused is recorded under Section 313 of the Code.

5. The prosecution woke up from its slumber when it is pointed out by the defence during the argument.

6. It is true that the trial Court is the forum for recording of evidence. The prosecution cannot be denied of an opportunity to examine a material witness. Still, the Accused has got right to cross-examine him. Even, learned Magistrate has given a liberty to the Accused to recall the Investigating Officer or relevant witness. So, I find no illegality in the said order. Hence, **Revision is dismissed.**

7. Learned Advocate for the Applicant, be paid fees, as per the Rules.

[S. M. MODAK, J.]