

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

CRIMINAL REVISION APPLICATION NO. 420 OF 2024

Dr. Padmasinh Bajirao Patil

...Applicant

vs.

Central Bureau of Investigation and Anr.

...Respondents

Sr. Advocate Mr. Girish Kulkarni a/w. Mr. Madhusudhan Parikh, Mr. Bhushan Mahadik, Ms. Pallavi Pukale, Ms. Nikita Pawar i/b. Mahadik & Associates :-	Advocates for Applicant.
Mr. Kuldeep S. Patil a/w. Mr. Ashish Kumar Srivastava :-	Advocate for Respondent No.1 - CBI.
Mr. A. S. Gawai :-	APP for Respondent No. 2-State.

CORAM : S. M. MODAK, J.

DATE : 26th AUGUST 2024

P. C. :-

1. Heard learned Sr. Advocate Mr. Kulkarni for Applicant / Accused No. 1 and learned Advocate Mr. Patil for CBI. The trial Court as per the order dated 26th July 2024 rejected the application filed by the Applicant for examining 19 witnesses. The said order is challenged

by way of this Revision. Learned Advocate Mr. Kulkarni invited my attention to the following documents :-

- (i) The order dated 23rd October 2019 passed by the trial Court on page No. 120 whereby one Abhay Suresh Pandit was permitted to be examined as defence witness.
- (ii) Order dated 6th March 2020 passed by this Court on page No.146 permitting one Hafiz Sayyed Pasha and Brahmaprakash Jagdishprasad Bansal to be examined as defence witness.
- (iii) Order granting pardon to accused No. 4 – Parasmal Tarachand Jain (Badala) on 20th December 2019. (Page No. 182).
- (iv) Present application filed before the trial Court on 8th April 2024. (Page No. 273).

2. Learned Sr. Advocate Mr. Kulkarni made following submissions.

- (a) The present application was filed after Accused No.4 was granted pardon.
- (b) Even though learned trial judge has mentioned in the order about not quoting reasons for examining those witness, written notes of argument was filed and contending reasons. The record was before the trial Court.
- (c) These police witnesses are concerned with the investigation of Crime Branch when Accused No. 4 - Parasmal was in their custody.

- (d) These witnesses will throw light whether really Accused No. 4 was taken to various places as deposed by him during his evidence.
- (e) He also contended that then Joint Commissioner of Police Mr. Maria was examined on behalf of the prosecution. One letter was shown to him. He wrote that letter to CBI. He has informed about custody of Accused No. 4 and investigation carried out by them. Applicant can produce that letter on next date.

3. Whereas according to Mr. Patil this application was filed only to delay the hearing of trial which is expedited by the Hon'ble Supreme Court.

4. Read the observations made by this Court while passing order of 6th March 2020. Dual tests were laid down. It deals with the witness concerned with occurrence of the incident and the perpetrators of the alleged crime and according to him the present Application does not satisfy either of the test.

5. Stand over to **6th September 2024.** To be listed '**High on Board**'.

[S. M. MODAK, J.]