

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

**INTERIM APPLICATION NO. 2295 OF 2024
IN
REVISION APPLICATION NO. 534 OF 2019**

Padmasinh Bajirao Patil

...Applicant

vs.

Central Bureau Investigation

...Respondent

Senior Counsel Mr. Girish Kulkarni a/w Bhushan Mahadik a/w Pallavi Pukale a/w Nikita Pawar i/by Mahadik and Associates	Advocate for the Applicant
Mr. Kuldeep Patil	Advocate for the Respondent No. 1 - CBI
Mr. A. S. Gawai	APP for Respondent-State

CORAM : S. M. MODAK, J.

DATE : 26th JUNE 2024

P. C. :-

1. Heard learned Senior Advocate Shri Kulkarni for the Applicant and learned Advocate Shri Kuldeep Patil for the Respondent No. 1 - CBI.
2. It is true that this Court as per Order dated 06/03/2020 passed

in Criminal Revision Application No. 534 of 2019 permitted this Applicant/accused no. 1 to examine two more witnesses by way of defence witnesses. It is also true that one of the accused by name Parasmal Tarachand Badala (Jain) turned approver and there is an Order passed by the trial Court on 20/12/2019. It is true that he was examined as PW No. 128.

3. In view of this development, now the Applicant intends to examine 19 defence witnesses and that is why they have moved an application for exercise of right under Section 233 of the Criminal Procedure Code. Their application is on page no. 144.

4. Learned trial Judge has made certain observations recorded in the roznama dated 03/05/2024. The relevant observations are as follows:-

“Learned Advocate for accused will clarify the position with regard to the interim application preferred before the Hon’ble High Court pertaining to the list of defence witnesses by tomorrow. Accordingly, matter is adjourned to 04/05/2024 for order vide Exh. 2043 and Exh. 2044 and for regular appearance to 17/05/2024.”

5. This application is filed only for seeking modification of the Order dated 06/03/2020. It is filed in revision which is already disposed of.
6. According to learned Senior Advocate Shri Girish Kulkarni, let clarification be made that the trial Court to decide their application independently as per the merits.
7. Whereas according to learned Advocate Mr. Patil, when the trial Court has already referred two interim applications on 03/05/2024 and in fact this interim application for modification was filed on 10/05/2024. According to him, already two defence witnesses are examined, he seeks time to take instructions on factual aspects.
8. Matter be kept on Tuesday i.e. **02nd July 2024**.

[S. M. MODAK, J.]