

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CONFIRMATION CASE NO. 3 OF 2022

State Of Maharashtra .. Appellant
Versus
Sanjay Baban Katkar .. Respondent

WITH
INTERIM APPLICATION NO. 2712 OF 2024
IN
CONFIRMATION CASE NO. 3 OF 2022
WITH
CRIMINAL APPEAL NO. 1313 OF 2023

Sanjay Baban Katkar .. Applicant
Versus
State Of Maharashtra .. Respondent

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Mr. S. V. Gavand, A.P.P. for the State in Conf/3/2022 and for the Respondent in IA/2712/2024 and Apeal/1313/2023.

Ms. Sahana Manjesh a/w Mr. Gaurav Bhawnani, for the Applicant in IA/2712/2024 and for the Appellant in Apeal/1313/2023.

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CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 18th JULY, 2024

P.C:-

1. In yet another case, the Application is filed by the accused, at the stage when the death sentenced imposed upon him is before us in a Confirmation Case filed by the State, under Section 366 of the Code of Criminal Procedure.

2. The learned counsel for the accused would place reliance upon several decisions of the Hon'ble Apex Court, as well as various High Courts, in praying for the relief of cross-examining the author of the DNA Report.

A similar issue is also involved in a Confirmation Case No. 2 of 2022 and which we have listed on 23.07.2024. We would therefore direct the present Application in the Confirmation Case to be listed on the same day.

3. It is open for Mr. Gavand, the learned A.P.P. to file his affidavit-in-reply to the Application and also placed on record the compilation of documents, on which the State want to place reliance, as the State has adopted two fold stand; firstly, since this prayer was not made at the stage of trial, it is not open to the accused to call for the expert in the witness box and for being cross-examined and secondly, on the ground that since it was never the case of the accused that the sample which was analyzed by the DNA expert was susceptible to a tampering and since no plea to that effect was adopted, this belated plea do not deserve any consideration.

Re-notify to 23.07.2024.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)