



(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

914 CRIMINAL WRIT PETITION NO. 815 OF 2019

THE STATE OF MAHARASHTRA
VERSUS
SACHIN VISHWANATH BHOSALE AND ANOTHER

.....
Mr V. M. Lomte, APP for petitioner/State

.....

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 17th DECEMBER 2025

P. C. :

1. Heard Mr Lomte, learned APP for the petitioner/State.
2. Mr Lomte submits that the State has filed this petition challenging the order dated 11/03/2019 passed on application below Exhibit 88 and the order dated 18/03/2019 passed on application below Exhibit 90. Vide the said orders, the learned Sessions Court, Osmanabad rejected the aforesaid applications preferred by the State for permission to examination of witness, namely, Dr. Balaji Babarao Guddhe, Medical Officer. Learned Sessions Court observed that sufficient time was granted to the prosecution, however, the prosecution has failed to keep witness present and therefore, evidence of prosecution side was closed. Learned Sessions Court also observed

(2)

that evidence of prosecution was closed on 11/03/2019 and when the matter was kept for recording of statement of accused as contemplated under Section 313 of the Code of Criminal Procedure, State has moved application for permission to examine the said witness/Medical Officer.

3. Today, learned APP Mr Lomte submits that the prosecution ought to have given permission to examine the said material witness as the evidence of said witness is important. The said Medical Officer had issued medical certificate. He further submits that if the said witness is not examined, the said certificate can not be proved and therefore, examination of said witness is important. He therefore, prays for quashing both the impugned orders and seeking permission to examine the said witness.

4. Respondent Nos.1 and 2 have been served, but are not present and nobody appearing on their behalf. This Court had granted stay vide the order dated 07/05/2019. Since then, the trial is pending. Since the submission is made on behalf of the petitioner/State for examining the witness/Medical Officer, in my view, the State could have been granted opportunity to examine the Medical Officer in order to prove its case. Hence this petition is allowed. The orders dated

(3)

11/03/2019 and 18/03/2019 are quashed and set aside. The said Medical Officer/witness be summoned by the prosecution for examining him within a period of four weeks from today. After examining of said witness, the learned Sessions Court to complete the trial within a period of six months .

5. The present petition is disposed of.

[SUSHIL M. GHODESWAR, J.]

sjk