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12-WP-656-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 CRIMINAL WRIT PETITION NO. 656 OF 2025

Mahedi Rahim Hannure

VERSUS

The State Of Maharashtra And Others

...

Mr. Sujeet Bagade a/w Mr. Dinesh Manwatkar, Advocate for the
Petitioner.

Mr. S. B. Jadhav, APP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 4th AUGUST 2025.

PC :-

1. Heard for some time.
2. The petitioner-original informant has approached this Court challenging an order dated 19th April 2025 passed by the learned JMFC, Paranda, rejecting an application Exh.46 in SCC No.114 of 2023 of the petitioner to recall a witness.
3. The informant had filed an application recalling the witness i.e. informant, eye witnesses and panch witnesses. The learned Court below

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observed that inspite of summons being served on the witnesses, they remained absent. Even warrants were required to be issued securing their presence. Inspite of all these efforts, the witnesses remained absent on the date of hearing. Thereafter, again warrants were issued at Exh. 26. These warrants were served, and still the witnesses remained absent. Bailable warrants were issued even for third time. Bailable warrants were issued vide Exh.23, Exh.26 and Exh.31 and still the witnesses remained absent. The trial Court also further observed that the witnesses were served with the summons and the warrants. The report at Exh.38 also shows that the summons are served upon prosecution witnesses.

4. This Court has gone through application Exh.46. In the application it is stated that due to technical issue the witnesses could not be examined. No particulars are given about the witnesses except the complainant. It is only mentioned that the eye witnesses and panch witnesses are to be examined. The application dated 19th April 2025 is vague. No particulars are given as to what was the technical difficulty.

5. From the order it is clearly seen that thrice non-bailable warrants were required to be issued and still the witnesses remained absent, and now the application is moved. It cannot be a sweet-will of the parties as to when witnesses be examined by the Court. Allowing such petition again would only be wastage of time. Already much precious time of the trial Court is taken by the witnesses, and still they did not offer themselves for examination. Under such circumstances, allowing such petition would amount to encouraging such practices. No any error is pointed out in the order passed by the learned trial Court. This Court does not find any merit in the writ petition. Writ Petition, therefore, deserves to be dismissed and the same is hereby dismissed.

[KISHORE C. SANT, J.]