

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIRCUIT BENCH AT KOLHAPUR  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 932 OF 2025

The State of Maharashtra .....Applicant  
Vs.  
Aditya @ Mandar Ajit Parab and Anr .....Respondents

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Mr. S. H. Yadav, APP for the State  
Mr. Sangram Desai a/w Mr. Advait Vajratkar for the respondents

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CORAM : SHIVKUMAR DIGE, J.  
DATE : 24<sup>th</sup> NOVEMBER 2025

P.C.

1. By this application, the applicant - State has challenged the order passed by the learned Sessions Judge, Sindhudurg at Oros below Exhibit-95.

2. It is contention of learned APP for the State that DNA report was produced before the learned trial Court, which is exhibited. The prosecution wants to examine the witness in respect of DNA report, but the learned trial Court has rejected the said application, which is erroneous. Learned counsel further submitted that as per the Judgment of the High Court of Madhya Pradesh in *Irfan Alias Bhayu Mvati Vs. State of Madhya Pradesh AIR Online 2025 sc 431*, examination of witness for proving the DNA report is necessary, but

these fact is not considered by the trial Court. Hence, requested to allow the application.

3. It is contention of learned counsel for the respondents that prosecution's evidence is over. The matter is posted for argument. The DNA report is exhibited. Mere finding the judgment by the learned APP cannot be a ground to re-examine or call the witness. The learned trial Court has passed well reasoned order. No interference is required in it and requested to reject the application.

4. I have heard both the learned counsels, perused the impugned order. While rejecting the application, the learned trial Court has observed that the application was not filed with bonafide intention and it is attempt to fill up the gaps in the prosecution case. On that ground, the learned trial Court has rejected the application, I do not find infirmity in it. In my view, mere finding the case law cannot be a ground to permit to examine any witness, when matter was posted for argument. Hence, I pass the following order.

**ORDER**

The Application is rejected and disposed off.

(SHIVKUMAR DIGE, J.)