

R.C.C.No. 328/2015**ORDER BELOW EXH.73**

1. The present application is filed by accused for recalling of investigation officer for cross-examination. It is the contention of the accused that, while chief examination of witness No.1, 4, 5 and 6, they have narrated more than the incidence and what was recorded by police in their statement recorded during the investigation. Therefore to prove those omissions, investigation officer is required to be recalled. Hence the present application.
2. On the other hand Ld. A.P.P. filed her say on overleaf and the application strongly objected the same. She contended that, the present application filed only to fill-up the lacuna. Accused has sufficient time to cross-examine the said witness throughly. Therefore she prayed to reject the application.
3. It is argued on behalf of accused that witness No.1 Suryakant, Witness No.4 Mahesh, Witness. No.5 Amol and Witness No.6 Arvind has stated more than and different than the statement which was recorded during the investigation of the said crime. Questions relating to those additional narration are required to be put to the investigation officer to prove omission. Therefore he prayed for allowing the application.
4. On the other hand, Ld. A.P.P argued that, Ld. Advocate

for accused has sufficient time an opportunity to cross-examine the said witness thoroughly, the present application is filed only to fill-up the lacuna. Therefore She prayed to reject the application.

5. On perusal of cross examination of witness No.9 investigation officer Shri.Wajhe, it is seen that, the advocate appearing for accused has cross-examined of said witness thoroughly. Accused did not provide for reasonable cause to file the present application. They have only stated that, during the cross-examination Ld. Predecessor of this court had stopped them to ask the omissions. But accused were also free to file pursis on record raising objection over the same. So also mere raising objection did not entitled the accused to again recall the said witness without any sufficient reason. The present application is not supported with sufficient reasons. Therefore application needs to be rejected. As stated by accused in the present application that, predecessor of this court told them about arguing on the same point at the time of final argument of the present case, then why it is necessary to recall the said witness for that purpose only. Therefore considering the above all discussion, it is seen that, the application is devoids of merits. Hence the following order:

ORDER

Application stands rejected.

Daund
Date : 27/08/2019.

(A. A. Kalamkar)
3rd Jt. C.J.J.D. and J.M.F.C., Daund

CERTIFICATE

I affirm that the contents of this P. D. F. file order are same, word to word, as per the original order.

Name of the Stenographer	:	T.R.Bagwan
Court	:	A.A.Kalamkar 3 rd Jt. C.J.J.D. Daund.
Date of order	:	27.08.2019.
order signed by the presiding officer on	:	27.08.2019.
order uploaded on	:	27.08.2019.