

Ramchandra Vs. State of Maharashtra

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Court : Mumbai Nagpur

Decided On : Apr-22-2016

Judge : Z.A. Haq

Appeal No. : Criminal Application (APL) No. 429 of 2015

Appellant : Ramchandra

Respondent : State of Maharashtra

Judgement :

Oral Judgment:

1. Heard Shri S.V. Sirpurkar, Advocate for the applicant and Shri R.S. Nayak, Additional Public Prosecutor for the non-applicant.
2. Rule. Rule made returnable forthwith.
3. The applicant (accused) has challenged the order passed by the Sessions Court allowing the application (Exhibit No.24) filed by the complainant.
4. According to the applicant (accused), the impugned order is unsustainable as the Sessions Court has no jurisdiction to permit the prosecution to record statements of witnesses once the prosecution is committed to the Sessions Court.
5. Shri R.S. Nayak, Additional Public Prosecutor states that the prosecution does not intend to record the statements of the witnesses but in fact the witnesses are

to be examined before the Court and their names are already submitted earlier. The learned Additional Public Prosecutor has argued that the Court has power under Section 311 of the Code of Criminal Procedure to permit the prosecution to examine witnesses. The legal position as per Section 311 of the Code of Criminal Procedure is not disputed by the learned Advocate for the applicant.

6. Hence, the following order :

- i) The impugned order is modified/clarified and it is directed that the non-applicant cannot record statements of the witnesses, however, the witnesses shall be permitted to be examined in the trial before the Sessions Court.
- ii) The application is disposed accordingly.

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