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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 1561 OF 2010

Kushal Chandrakant Chavan	.. Applicant
V/s.	
The State of Maharashtra	.. Respondent

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Mr. M. K. Kocharekar for the Applicant.
Mr. J. P. Kharge, A.P.P. for the Respondent-State.

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CORAM : B.R.GAVAI, J.

DATE : MARCH 31, 2010.

P.C.

The present application challenges the order passed by the learned Additional Sessions Judge, Mumbai dated 25th March, 2010 thereby permitting the prosecution to cross-examine the prosecution witness no.20.

2. The learned counsel for the Applicant submits that the learned Trial Court granted permission to the prosecution to declare the witness as hostile and to cross examine him and without considering any substance, allowed the same.

3. The witness can be declared as hostile at any

stage, the only requirement for doing it is that the witness should depose contrary to the prosecution case. From the cross-examination of the witness, at which stage an application was made for declaring the witness as hostile, it could be seen that he has resiled from his earlier version which is contrary to the prosecution case.

4. In this view of the matter, no error has been committed by the Trial Court. In any case, the order impugned in this case is purely interlocutory. Hence, rejected.

[B.R.GAVAI, J]