

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Writ Petition No. 181 of 2015

Kachru s/o Shankar Pawar
And Another.

.. Petitioners.

Versus

Vijay s/o Kachru Pawar.

.. Respondent.

Shri. V.K. Parkhe, Advocate, for petitioners.

Shri. A.R. Kale, Advocate, holding for Shri. V.A. Khekale,
Advocate, for respondent.

With

Criminal Writ Petition No. 203 of 2015

Vijay s/o Kachru Pawar.

.. Petitioner.

Versus

Kachru s/o Shankar Pawar
And Another.

.. Respondents.

Shri. A.R. Kale, Advocate, holding for Shri. V.A. Khekale,
Advocate, for petitioner.

Shri. V.K. Parkhe, Advocate, for respondents.

CORAM: T.V. NALAWADE, J.

DATE : 1st JULY 2015

ORDER:

1) The first proceeding is filed to challenge the order made by the learned Additional Sessions Judge on 13-1-2015. By this decision, learned Additional Sessions Judge has partly allowed Criminal Revision No.22/2014 filed by the present respondent Vijay who is son of the petitioners. He had prayed for giving directions to the present petitioners to produce relevant record of the income like pension record. Respondent Vijay wanted to bring on the record the income of the present petitioners from pension and he had requested for calling entire record from the Army where petitioner No.1 Kachru was serving in the past. It appears that learned Additional Sessions Judge has given direction to Kachru himself to produce the record of pension and he must be having the record of pension. No fault can be found in such order as the income of pension is within the knowledge of Kachru, he is bound to disclose it.

2) The second proceeding is filed to challenge the procedure adopted by the learned Judicial Magistrate for cross-examination of Kachru. It appears that when cross examination of Kachru was going on, the counsels of Kachru and Vijay started quarreling and they were using offensive language and due to their conduct the Court formed opinion that unnecessary show was being created, they were wasting time of the Court. Learned Magistrate gave direction to the learned counsel appearing for Vijay to prepare list of questions which he wanted to ask to Kachru during cross examination. Learned counsel gave list of such questions. When Kachru was in the witness box and under the oath these questions were put to Kachru and answers given by Kachru were recorded by the Court. Copy of the same is produced on the record.

3) Vijay original opponent from the maintenance proceeding has objection to this procedure. Learned counsel for Vijay submits that in the Criminal Procedure Code or in the Evidence Act there is no such procedure. Record of examination-in-chief and the cross- examination

show that to most extent Kachru was cross-examined and due to the conduct of the counsel for both the sides, the Court was required to take such steps. But the evidence on oath was recorded and the information which learned counsel for Vijay wanted to bring on record from Kachru was brought on the record by putting questions for Vijay. Answers were taken in respect of all these questions. Cross-examination can be in question and answer form and the way in which cross-examination can be taken needs to be decided by the Presiding Officer himself. This Court holds that no prejudice is caused to Vijay due to aforesaid circumstances and the procedure adopted by the Presiding Officer. Thus no merits are found in both the proceedings. So, both the proceedings are dismissed.

Sd/-
(T.V. NALAWADE, J.)

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