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

CRIMINAL WRIT PETITION NO.3115 OF 2016

Priyesh Harishankar Singh and Ors.

...Petitioners

Versus

Union Territory of Adm of Dadar and
Nagar Havelli

...Respondent

Mr.G.J.Paryani, for the Petitioners.

Ms.P.H.Kantharia, Special P.P, for the Respondent.

Mr.V.V.Gangurde, APP for the State.

CORAM : REVATI MOHITE DERE, J.

DATE : 22nd SEPTEMBER, 2016

P.C. :

1. Heard learned counsel for the petitioners and the learned
Special Public Prosecutor for the respondent.

2. By this petition, the petitioners (original accused nos.1 to 5)
have impugned the order dated 25th April, 2016, passed by learned Sessions

Judge, Silvassa, by which no cross order was passed and as such seek quashing and setting aside of the said order.

3. Learned Counsel for the petitioners (original accused nos.1 to 5) have tendered an undertaking of the petitioners i.e. original accused nos.1 to 4 as well as undertaking of the other two co-accused – Chandan Pradeep Chaudhari and Lidiya alias Shweta Jain Barasif D'souza, wherein they have stated that they will proceed with the cross-examination of PW.1-Mr.Pradipkumar Singh on the dates given by the trial Court. Although, co-accused – Chandan Pradeep Chaudhari and Lidiya alias Shweta Jain Barasif D'souza, have not impugned the order dated 12th August, 2016, by which no cross order was passed, the said co-accused have also tendered their undertaking in this Court, today. Learned Counsel for the petitioners state that the petitioner no.5 will abide by the orders of this Court and that petitioner no.5 is also ready to proceed with the cross-examination of PW.1-Mr.Pradipkumar Singh. The said statement is accepted.

4. Learned Special P.P has no objection if the no cross orders dated 25th April, 2016 and 12th August, 2016 are quashed and set aside, in

view of the undertaking tendered by the petitioners (original accused nos.1 to 4), statement made by the learned counsel for the petitioners as well as the undertaking tendered by the other two co-accused – Chandan Pradeep Chaudhari and Lidiya alias Shweta Jain Barasif D'souza, today in the Court.

5. Although, the order dated 12th August, 2016, has not been challenged in this petition, only in view of the undertaking given by the petitioners (original accused nos.1 to 4), statement made by the learned counsel for the petitioners, the undertaking of the co-accused – Chandan Pradeep Chaudhari and Lidiya alias Shweta Jain Barasif D'souza and the no objection given by the Special Public Prosecutor, in order to avoid further delay in the trial, the impugned orders dated 25th April, 2016 and 12th August, 2016, of 'no cross' passed by the learned Sessions Judge, Silvassa in Sessions Case No.3 of 2012 are quashed and set aside, in the interest of justice.

6. A copy of the said undertakings tendered by the petitioners (original accused nos.1 to 4) and the other two co-accused be placed on the file of the learned Sessions Judge, Silvassa, before whom the trial, being

Sessions Case No.3 of 2012, is pending. The petitioner no.5 to file a similar undertaking in the trial Court.

7. The petitioners as well as co-accused – Chandan Pradeep Chaudhari and Lidiya alias Shweta Jain Barasif D'souza, shall remain present before the learned Sessions Judge, Silvassa, and to proceed with the cross examination of Mr.Pradipkumar Singh, on the dates, so directed by the learned Sessions Judge.

8. The petition is allowed in the aforesaid terms and is accordingly disposed of.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.