

psv

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

WRIT PETITION NO.315 OF 2018

Nilen Bharat Palicha & Anr.	..Petitioners
Vs.	
The State of Maharashtra & Anr.	..Respondents

Mr.Ashokkumar Mishra for Petitioners.
Mr.P.H. Gaikwad, APP for the State.

CORAM : G.S. KULKARNI, J.

DATE : 31st JANUARY, 2018

P.C.:

The only grievance of the petitioners is that more time was required to be granted to cross-examine respondent No.2- Bharatkumar Kanji Palicha. Having considered the order dated 17th January 2018 passed below Exhibit 1 which is placed on record by the learned Counsel for the petitioners, the only impression created is that this petition should not be entertained and no any indulgence be shown in exercising its discretionary jurisdiction looking at the conduct of the petitioner No.1 as recorded by the Court.

2. From a perusal of the order dated 17th January 2018 passed below Exhibit 77, it appears that the Court was inclined to permit further cross-examination of Bharatkumar Kanji Palicha on the condition that the petitioners would engage an Advocate. As seen from the two orders dated 17th January 2018, it is clear that the petitioner No.1 needs to conduct himself before the Court of law in an appropriate manner so as to maintain the dignity of the Court and majesty of law. If any such further instance of a misconduct of petitioner No.1 reoccurs, needless to

observe that the Family Court will consider the conduct seriously and take appropriate action as permissible in law.

3. In regard to the request for further cross-examination, learned Counsel for the petitioners, on instructions of the petitioners who are present in the Court, submits that as a last chance, the petitioners may be permitted to undertake cross-examination of respondent No.2 which would be completed by the petitioners without any delay and within two hours as may be fixed on any convenient day as may be fixed by the Family Court.

4. As a last opportunity and only as an indulgence, the petitioners are permitted to further cross examine respondent No.2 before the Family Court however with a specific direction that cross-examination of respondent No.2 shall not extend for more than two hours to be strictly confined to the said time schedule as directed. Needless to observe that all this would be subject to petitioners engaging an Advocate to undertake further cross-examination.

5. It is clarified that no further indulgence on any ground whatsoever shall be granted to extend time to cross-examine respondent No.2 and the same shall be completed by the petitioners within the said time schedule.

6. Petition is accordingly disposed of with liberty to the petitioners to move the application as directed.

7. All contentions of the parties on merits of the matter are expressly kept open.

[G.S. KULKARNI, J.]