

Vidya Amin.

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

CRIMINAL WRIT PETITION NO. 1685 OF 2019

Amar Shridhar Kamble &Anr. ... Petitioners
VS.
The State of Maharashtra ... Respondent

Mr. Rajneeth Patil, Advocate for the petitioners.
Mr. A.R. Patil, APP for the respondent/State.

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: 2nd May, 2019**

P.C. :

In this Writ Petition, the order dated 25th October, 2017 below Exhibit 58 and order dated 29th October, 2018 below Exhibit 109 passed by the learned Sessions Judge, Sangli in Special Case No. 119 of 2014 are challenged.

2. Perused the orders and the evidence. Considered the submissions of the learned counsel and the learned APP. All the witnesses are cross-examined except PW-3 Sachin Ashok Kamble, who is the first informant and father of the prosecutrix. He is the important witness. The advocate of the accused was absent and moved the application on 25th October, 2017, however, it was rejected. Therefore, the petitioner/accused could not get

opportunity of cross-examining the complainant. The petitioner/accused is facing charges under sections 376, 363, 366A, 506 r/w. 34 of Indian Penal Code.

3. In view of the gravity of the offence, both the orders are set aside and the petitioner/accused is to be given an opportunity to cross-examine PW-3 first informant. Both the parties to cooperate the trial Judge and cross-examination is to be concluded within two days.

4. I am informed that the matter is fixed before the trial Court on 5th May, 2019, so on 5th May, 2019 the learned trial Judge may fix the date for cross-examination of first informant.

5. Writ Petition is disposed of.

(MRIDULA BHATKAR, J.)