

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

**28 CRIMINAL WRIT PETITION NO.825 OF 2021**

**GEETARAM RAMDS MATE  
VERSUS  
THE STATE OF MAHARASHTRA**

...  
Advocate for Petitioner : Mr. Gajendra Devichand Jain h/f  
Mr.Khivansara Sunny S.  
APP for Respondent-State : Ms. R.P.Gaur  
...

**CORAM : N.R. BORKAR , J.  
DATE : 15<sup>th</sup> NOVEMBER, 2021.**

**P. C. :**

1. This petition takes an exception to the order dated 12.12.2019 passed by the learned Special Judge, (ACB) Aurangabad.
2. The petitioner is an accused in Special Case bearing No. 20 of 2018 and facing trial for the offence punishable under Section 7 of the Prevention of Corruption Act.
3. On 03.12.2019 the Sanctioning Authority PW 1 Dr. Aarti Singh came to be examined. On that day the learned counsel for the petitioner/accused was not present. No cross order was thus passed. An application thereafter was moved on 20.12.2019 with request to recall PW 1 for cross-examination. The learned Special Judge rejected the said application by the order impugned.
4. I have heard the learned counsel for the petitioner and

the learned APP for the Respondent-State.

5. Learned counsel for the petitioner/accused submits that the trial Court, in the interest of justice, ought to have allowed the application. It is submitted that even State has not seriously objected to it.

6. It appears that only once learned counsel for the petitioner/accused was not present. Considering the facts and circumstances, the trial Court ought to have allowed the application.

Hence following order :

#### **ORDER**

- a. Petition is allowed.
- b. The order impugned is set aside subject to payment of costs of Rs. 3,000/- (Rupees Three Thousand) to the District Legal Services, Authority, Aurangabad.
- c. Trial Court shall recall PW-1 Dr. Aarti Singh, the Superintendent of Police, Nashik (Rural), District Nashik and shall permit the petitioner/accused to cross-examine her.

**( N.R. BORKAR )**  
**JUDGE**

mahajansb/