

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1550 OF 2022

ANIL GANJIDHAR PAWAR

VERSUS

KAVITA NILESH SHIRSATH AND ANOTHER

...

Advocate for Petitioner : Party In Person

APP for Respondent No.2 : Mr. P. N. Kutti

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CORAM : KISHORE C. SANT, J.

DATE : 11th NOVEMBER 2022.

Per Court :

Heard. Petitioner in person and learned APP for state.

1. The challenge in this petition is to an order passed by the learned Chief Judicial Magistrate, Dhule dated 12.10.2022. By which, he has refused to record the further questions put to the witness by this Petitioner, who is accused in the trial in Regular Criminal Case (R.C.C.) No. 481/2013.
2. It is submission of the Petitioner that though he wants to put

certain relevant questions and even the questions which he had asked to the witness was also relevant one. The Court however found the said questions to be without any relevant.

3. The learned APP submits that already the Petitioner has taken a very lengthy cross, which runs in to 35 pages. The Petitioner is unnecessarily taking time of the Court by putting irrelevant questions to witness, who is Complainant.

4. The Petitioner submits that in fact he wanted to put the questions in respect of earlier FIR lodged by the Informant and also in respect of the affairs of the Society, where the dispute between the parties is started and it is a main cause of the litigation of the parties.

5. On the last occasion, this Court had orally requested the learned APP as to what objection the Prosecution can have to the questions sought to be put by the Petitioner. Therefore the Police Inspector, Dhule Police Station has informed that Petitioner should not be allowed to ask further questions. However no reason is assigned.

6. Looking at the lengthy cross already taken by the Petitioner, it is

seen that so many irrelevant questions are put to a witness, however to afford the fair opportunity and to observe principles of natural justice, this Court grants him a permission to put further questions. Petitioner shall put only relevant questions in respect of FIR that was lodged by the Complaint on earlier occasion in Crime No. 40/2013 registered with Devpur Police Station, Dhule and in respect of the affairs of the Society i.e. Dhule Zilla Parishad Servants Co-operative Housing Society.

7. The petition is allowed only on assurance that the Petitioner will complete his cross within one sessions (noon session) and in no case he will exceed that limit. The Petitioner is defending the trial in person. Therefor the Petitioner is put to a notice that henceforth, he will conduct the proceedings with at most care and will put his case precisely without taking valuable time of the Court unnecessarily.

8. Thus, the petition is partly allowed in the above terms and disposed of accordingly.

[KISHORE C. SANT, J.]

Najeeb.