

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL WRIT PETITION NO.1033 OF 2023**

**ANIL GANJIDHAR PAWAR
VERSUS
KAVITA NILESH SHIRSATH**

Party-in-person for the petitioner
Mrs. R. P. Gaur, APP for the respondent/State

**CORAM : R. M. JOSHI, J.
DATE : 4th AUGUST, 2023**

P.C. :-

1. The petitioner has made grievance about the learned Trial Court not permitting him to ask further question to the witness No. 9 in R.C.C. No. 481/2013. Perusal of the notes of evidence placed on record indicates the learned Trial Court did not prohibit him from asking any relevant question however the petitioner was called upon to ask relevant question to this witness. Thus, the contention of the petitioner that he was prohibited from asking relevant question is incorrect.

2. The petitioner is appearing in person. He states that he has only two questions to ask to this witness on the point of the society. When the Court has question him as to why it was not so informed to this concerned Court, it is contended that he was prohibited from asking the question. From the record it does not appear that there was any prohibition for him to ask relevant question. Even then it was open for him to appraise the learned Chief Judicial Magistrate, Dhule about the specific questions which he intended to ask, which are now disclosed to

this Court. This Court is of the view that filing of the present petition was absolutely unnecessary. However instead of dismissing the petition at threshold, the submission of the petitioner for permitting him to ask two questions as given in writing by him can be considered subject to learned Trial Court finds said questions relevant. As this Court is of the view that without any sufficient reasons petition is filed, petitioner is directed to pay cost of Rs.2,000/-, to the High Court Legal Services Authority, Sub Committee, Aurangabad.

3. The learned Chief Judicial Magistrate, Dhule to permit the petitioner to ask two questions as informed to this Court in writing if they are found relevant. Needless to say that the petitioner may be permitted to cross-examine this witness in respect of other matters which are not covered in cross-examination done till date. Petitioner undertakes that he will complete entire cross-examine of this witness within a day. In view of this undertaking and in the interest of justice learned Chief Judicial Magistrate, Dhule to permit the petitioner to cross-examine PW-9 as stated hereinabove. Before permitting him to cross-examine the CJM, Dhule to verify the tangible evidence about payment of the cost as directed.

4. The petition is disposed of in above terms.

(R. M. JOSHI, J.)

ssp