

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

950 CRIMINAL WRIT PETITION NO.1042 OF 2023

ANIL GANJIDHAR PAWAR
VERSUS
KAVITA W/O NILESH SHIRSATH

...

Petitioner - In person.

APP for Respondent – State : Mr. S.P. Sonpawale

...

CORAM : R. M. JOSHI, J.
DATE : AUGUST 1, 2023

PER COURT :

. Petitioner has made grievance that after re-examination was permitted of witness no.3 - Nilesh Sirsath, opportunity of cross-examination was not given to accused - petitioner.

2. Perusal of order dated 09.05.2023 shows that the learned Chief Judicial Magistrate was of the view that no new matter has been introduced in re-examination and therefore, cross-examination was not allowed. Once the permission is granted to re-examine witness, it is within the right of the accused to cross-examine such witness. It may be open for the learned Judge to restrict the cross-examination on the basis of re-examination. However, the prayer for the cross-

examination ought not to have been rejected. Hence, order dated 09.05.2023 stands set aside. The learned Chief Judicial Magistrate to permit petitioner to cross-examine PW-3 Niles Shirsath. The petitioner to appear before the learned Chief Judicial Magistrate on 07.08.2023. The learned Chief Judicial Magistrate to recall PW 3. Cross-examination of this witness be concluded before 11.08.2023. Learned Chief Judicial Magistrate is further directed not to permit any unnecessary, unwanted, scandalous or otherwise questions which are not related to re-examination. With the aforesaid directions, petition stands disposed of.

[R. M. JOSHI]
JUDGE

GGP