



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

912 CRIMINAL WRIT PETITION NO. 953 OF 2024

SHIVA @ SHIVSHANKAR ASHOKRAO BIRADAR  
VERSUS  
THE STATE OF MAHARASHTRA

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Advocate for the Petitioner : Mr. Gangakhedkar Shailendra S.  
APP for Respondent/s-State : Mr. K. K. Naik.

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CORAM : SHAILESH P. BRAHME, J.  
DATE : 23.04.2025

PER COURT :-

1. This Court has already recorded in earlier order passed on 08.04.2025, the manner in which present petition is filed. In pursuance of earlier order, petitioner has filed the documents and also paid cost of Rs.5,000/-.

2. Learned counsel Mr. Gangakhedkar fairly submits that petition does not survive to the extent of prayer Clause-B and his client does not want to press for the said relief. Due to supervening events, he restricts his prayer for recalling of P.W.4. By earlier applications, he sought prayers of recalling of witness Nos.3, 5, 6, 7 and 10, by the passage of time those witnesses were cross-examined. Only P.W.4 remained to be cross-examined.

3. On instructions, learned counsel for the petitioner submits that his client wants to cross-examine only one witness i.e. P.W.4. He assures this Court that petitioner is ready to co-operate the Trial Court for expeditious disposal of the matter including cross-examination of the concerned witness and the arguments.

4. Matter which is pending before the Trial Court is of 2016. It is at the stage of argument of the parties. There are various applications moved by the petitioner seeking recalling of witnesses and adjournments. Without going into the merits of those applications and orders thereon, interest of the justice would be subserved in granting one opportunity to the petitioner to cross-examine P.W.4 by recalling him on certain conditions. I propose to dispose of this writ petition with following directions. Hence, the following order :

### **ORDER**

- (i) Additional Sessions Judge, Nanded seized of Sessions Case No.129 of 2016 shall recall P.W.4 and permit the petitioner to conduct his cross-examination.

- (ii) No adjournment shall be granted on the date when the witness concerned remains present and cross-examination shall be conducted, peremptory.
- (iii) The statements made by learned counsel before this Court recorded in above paragraph No.3 shall be treated as undertaking and breach of them shall be dealt with seriously.
- (iv) The above referred exercise of conducting cross-examination and the arguments shall be completed within a period of 45 days.
- (v) Petitioner shall deposit cost of Rs.10,000/- before the Trial Court within one week from today. Out of them, Rs.5,000/- shall be paid to the victim. Balanced be credited to District Legal Services Authority, Nanded.
- (vi) Writ petition stands disposed of accordingly.

**(SHAILESH P. BRAHME, J.)**

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vmk/-