



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 CRIMINAL WRIT PETITION NO. 1062 OF 2025

DATTATRAY SARANGDHAR KAVCHAT

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. N.L. Jadhav – Advocate for Petitioner

Ms. M.N. Ghanekar – APP for Respondent No.1, State

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 01.10.2025

PER COURT :

1. The petitioner is facing prosecution under Sections 64, 64 (2)(f) (2) M, 65 (2), 351 (2) of Bharatiya Nyaya Sanhita, 2023 and Sections 4, 5 (L), 5(N), 5(M), and 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012. The petitioner presented application seeking recall of witnesses contending the the previous Counsel representing the petitioner has not put forth important and relevant questions to the complainant during the cross-examination. Therefore, in the interest of justice, further opportunity was required to further cross – examine the complainant.

2. The learned Special Judge (POCSO) considering the record noted that sufficient opportunity is already granted to the petitioner in order to cross-examine the complainant. In view of the above findings, the learned Special Judge (POCSO) held that the application was not maintainable and accordingly dismissed the same.

3. Perusal of the record sufficiently establishes that the petitioner was conferred with the necessary and adequate opportunity to cross-examine the complainant in detail. Mere change in Counsel does not entitle the petitioner to contend that a further opportunity deserves to be granted to confront the complainant by way of cross-examination. The complainant has already been cross – examined in detail at the instance of the petitioner and the trial has proceeded further.

4. Neverthelss, Hon’ble Apex Court in **Arjun Sonar Vs. The State of Arunachal Pradesh** in *SLP (Crl.) Diary No.34304 of 2025* has reiterated the duty of the Courts to ensure that survivors of child abuse are not re-traumatized. Thus, accepting the contention of the petitioner herein would run contrary to the aforesaid observations of the Hon’ble Supreme Court. As such, the same does not warrant consideration.

5. Considering the fact that complainant has been already cross-examined at the instance of petitioner in detail. As such, no error is noted in the order under challenge. Resultantly, no case is made out warranting interference by this Court in the order. The Writ Petition is, therefore, liable to be dismissed.

[**SACHIN S. DESHMUKH**]
JUDGE