



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL REVISION APPLICATION NO. 1 OF 2025
WITH
CRIMINAL APPLICATION NO.5054 OF 2024
IN CRIMINAL REVISION APPLICATION NO. 1 OF 2025**

. Vikas S/o. Daulatrao Wagh
Age: 54 years, Occu.: under suspension,
R/o. Police Training Centre, Dhule,
Dist.Dhule.Applicant

Versus

1. The State of Maharashtra
Through its Secretary, Home Dept.,
Mantralaya, Mumbai – 32.
2. The Police Inspector,
Topkhana Police Station,
A'nagar, Dist.Ahmednagar.
3. The Police Inspector,
Kotwali Police Station,
Ahmednagar, Dist.Ahmednagar.Respondents

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Advocate for Applicant : Mr.Bharatkumar Ramdeo Warma

APP for Respondents : Ms.Vaishali S.Chaudhari

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 13-02-2025

ORDER :

1. Applicant / original accused takes exception to orders passed
by the learned Additional Sessions Judge, Ahmednagar on Exhibits

95, 105, 107 and 110 in Sessions Case No.138 of 2021 dated 23-10-2024 and 13-12-2024 respectively.

2. Learned counsel pointed out that present applicant is himself facing trial for commission of offence under Sections 376(2)(a), 376(2)(n), 307, 365, 313, 323, 504, 506, 201 of the Indian Penal Code and Section 30 of the Arms Act. He pointed out that Sessions Case is already expedited. That, counsel engaged by accused unfortunately fell sick and is admitted in the hospital. That, applicant himself is a Police Officer as well as he has acquired law degree. That, he himself is well-versed with the criminal proceedings and trial. That, he was ready to conduct cross-examination of informant, who had levelled false allegations. That, even learned trial Court on one day permitted applicant to conduct cross, but subsequently without assigning reasons, he is not allowed to cross-examine and impugned order dated 23-10-2024 is passed stating that “it will be fair that advocate proceeds with cross examination being a legal expert”. That, applicant has already cancelled Vakalatnama of Advocate previously engaged and he personally intends to conduct cross-examination of informant and when he is ready to do so at his own risk, it is his submission that there is no reason for the learned

trial Judge to pass the impugned order and deprive opportunity to the accused to cross-examine informant.

3. Learned APP opposed the application on the ground that initially defence counsel was engaged. That, now, after evidence of informant is over and part cross-examination is proceeded, the applicant wants to himself cross-examine and this being not permissible, learned trial Court committed no error in passing the impugned order.

4. After having heard submissions advanced by both the sides and on going through the papers, it appears that present applicant is original accused in Sessions Case No.138 of 2021 pending before the learned Sessions Judge, Ahmednagar. Said Sessions Case seems to be at the stage of recording evidence. Revisionist in his application in paragraph no.6 has given dates of evidence.

It is brought to the notice of this Court that matter is already expedited by this Court itself, however, for want of presence of informant, matter was getting adjourned and to this extent, averments are raised in paragraph no.6. He has alleged that matter is getting protracted at the instance of informant herself and he

alleges violation of provisions under Section 309 of the Code of Criminal Procedure.

It appears that on 23-10-2024 informant witness was present but counsel representing present applicant was absent. Statement has been made across the bar by learned counsel for the applicant that he has put up oral request to the learned trial Court to permit him to conduct cross-examination, as he himself is a Law graduate and a Police Officer. It seems that inspite of such oral request, learned trial Court seems to have refused cross-examination as well as rejected written application for allowing him to cross-examine.

5. Here, it seems that present applicant, who himself is an accused, is ready to conduct cross-examination of informant. He claims to be a Law graduate apart from a Police Officer. Impugned order shows that application has been rejected primarily on the ground that cross-examination is generally be conducted by legal expert. However, as stated above, when applicant / accused came with a request that he is proficient in law and is ready to run the risk on his own and intends to cross-examine informant, this Court find no reason to refuse permission.

As stated above, matter being expedited, when accused himself

has withdrawn Vakalatnama in favour of the learned Advocate, who is said to be admitted in the hospital on health ground, no purpose would be served by insisting applicant to engage legal expert. For the above reasons, impugned order is set aside and learned trial Court is directed to allow applicant / accused to conduct cross-examination of the informant. Hence, the following order :

ORDER

(I) Criminal Revision Application No.1 of 2025 is partly allowed.

(II) The order dated 23-10-2024, passed below Exhibit 95 by the learned trial Court, is hereby quashed and set aside. Application Exhibit 95 is hereby allowed.

(III) The order dated 13-12-2024, passed below Exhibits 107 and 110 by the learned trial Court, is also quashed and set aside. Applications at Exhibits 107 and 110 are hereby allowed.

(IV) Learned trial Court is directed to permit the applicant / accused personally to cross-examine the informant.

(V) Matter being expedited, learned trial Judge to take effective steps to conclude the proceedings as early as possible.

(VI) Criminal Application No.5054 of 2025 is disposed of.

(ABHAY S. WAGHWASE)
JUDGE