



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

CRIMINAL WRIT PETITION NO. 1278 OF 2025

Sushil Suresh Nalwad

...Petitioner

Versus

Bharat Dhondiba Sampatte

...Respondent

Mr. Katneshwarkar S.P., Advocate for the Petitioner.

Mr. Gunale Vishwamber Digamberrao, Advocate for the Respondent

CORAM : ABHAY J. MANTRI, J.

DATE : DECEMBER 05, 2025

PER COURT :

1. Heard learned counsel for the parties, perused the impugned order and record.

2. During the course of the arguments, learned counsel for the petitioner, on instructions, submitted that the petitioner is ready to conclude the trial within a period of one month and will not seek any adjournment before the learned Trial Court.

3. In response, the learned counsel for the respondent submitted that, in such circumstances, heavy costs of ₹ 50,000/- be imposed on the petitioner, as the petitioner has tried to protract the matter, and that the petitioner be directed to file an undertaking in this regard before the trial Court. It was further submitted that, subject to the deposit of the said costs, the respondent has no objection to permitting the petitioner to conduct a cross-examination of the witnesses.

4. During the course of the arguments, learned counsel for the petitioner submitted that the petitioner intends to examine himself and two witnesses, i.e. Mr. Ram Shivaji Ugile and Laxman Ramrao Bhoinwad.

5. In view of the above submissions, and without going into the merits of the matter, in the interest of justice, I pass the following order

ORDER

- A) The petitioner is permitted to cross-examine the complainant and examine himself and the witnesses, if any, subject to depositing costs of ₹ 40,000/- before the learned Magistrate tomorrow, i.e. 06th December 2025. If the petitioner fails to deposit the costs and proceed with the cross-examination of the complainant, no further time shall be granted, but the matter shall proceed on its own merits.
- B) The petitioner is further directed to file an undertaking before the learned Magistrate tomorrow, i.e. 06th December 2025, indicating the manner in which he proposes to examine himself and the two witnesses (as stated in para 4), and the said exercise shall be concluded within three weeks. It is made clear that the petitioner shall not be permitted to examine any further witnesses.
5. Inform the learned Trial Court accordingly.
7. List the matter on 10th December 2025, for further hearing.

(ABHAY J. MANTRI, J.)