

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1578 OF 2025**

Sandeep Sambhaji Ghadage And Anr ... Petitioners

versus

The State of Maharashtra and anr. Respondents

Mr. Dilip Shinde i/b. Mr. Mukund S. Mane, Advocate for the Petitioners.
Ms. Ranjana D. Humane, APP for Respondent No.1-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 1st APRIL, 2025.

P.C. :

1. By this petition, the petitioners are seeking quashing and setting-aside the order passed by learned JMFC, Kadegaon, District Sangli, (for short "the JMFC") below Exhibit-39 in RCC No.93 of 2022.

2. It is contention of learned counsel for the petitioners that the petitioners have been charged under Sections 498A, 323, 504 and 506 read with Section 34 of the Indian Penal Code 1860 (for short "IPC"). The prosecution has examined PW2, PW3 and PW4 but due to absence of the advocate for the petitioners, these witnesses could not be cross-examined. The petitioners had filed an application for setting-aside "no cross order" but the learned JMFC has rejected the said application.

Learned counsel further submitted that petitioner No.1 is the husband of the first informant, he be given chance to cross-examine the witnesses.

Hence, requested to allow the petition.

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3. It is contention of learned APP that the petitioners deliberately avoided to cross-examine the witnesses who were present before the Trial Court. Also before passing the impugned order, the Trial Court had set-aside the no cross order passed by it. Thereafter also, the petitioners and their advocate deliberately did not cross-examine the witnesses who were present before the Trial Court. It shows that the petitioners want to prolong the matter. Non-bailable warrant was issued against the petitioners. Learned Trial Court has passed well reasoned order, no interference is required in it and requested to dismiss the writ petition.

4. I have heard both learned counsel, perused the impugned order passed by learned JMFC. The order passed by the learned JMFC is well reasoned order. I do not find any infirmity in the order passed by learned JMFC. Now the question remains whether the petitioners can be permitted to cross-examine the prosecution witnesses.

5. In my view, the petitioners have been charged under Sections 498A and other sections of the IPC. As per the principle of natural justice, the petitioners must be given an opportunity to cross-examine the prosecution witnesses.

6. Learned counsel for the petitioners, on instructions, undertakes that the petitioners would attend each and every date before the Trial Court and their advocate would cross-examine the prosecution witnesses without taking any further adjournments. His statement is accepted.

7. Considering the above facts, I pass following order :

ORDER

1. The impugned order below Exhibit-39 passed by learned JMFC, Kadegaon, District : Sangli is quashed and set-aside.
2. The petitioners are permitted to cross-examine the PW2, PW3 and PW-4 subject to payment of cost of Rs.20,000/- to the first informant.
3. The petitioners shall cross-examine the prosecution witnesses without taking any adjournments.
4. The petitioners shall remain present before the Trial Court on each and every date.

The petition is allowed in above terms and disposed of.

(SHIVKUMAR DIGE, J.)