

Harish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2648 OF 2024**

Manasai Yogesh Jadhav @

Malti Madhukar Kamble

...Petitioner

Versus

State of Maharashtra And Anr.

...Respondents

Mr. Rakesh Bhatkar, Mr. Nilesh Ghaisas, Mr. Aarya Ambulkar for the
petitioner

Mr. A. S. Shalgaonkar APP for the State

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th NOVEMBER, 2025.

P.C.

1. The challenge in this Petition is the order passed by learned Chief Judicial Magistrate, Ratnagiri (for short "CJM") dated 11th January, 2024 thereby the learned CJM has rejected the application filed by the Petitioner to set aside the no-cross order.

2. It is contention of learned counsel for the Petitioner that the the Petitioner has been charge-sheeted for the offences punishable under Sections 181, 149, 462 and 466 read with section 34 of the Indian Penal Code, 1860. The Petitioner had filed an application for discharge before the learned trial court. It was rejected, hence, the

Petitioner challenged the said order before this Court. The stay was given, meanwhile the prosecution has examined the witnesses and no-cross order was passed. The Petitioner has filed application for setting aside no-cross order, but, it is rejected by the learned trial court. Fair opportunity should be given to the Petitioner to cross-examine the prosecution witnesses, hence, requested to allow the Petition.

3. It is contention of learned APP that the offence was registered against the Petitioner in the year 1999. Charge was framed on 24th September 2001, thereafter, the matter was proceeded and the prosecution have examined the witnesses. The statement of the Petitioner under section 313 of Cr.P.C. is recorded on 14th February 2005. The Petitioner had not challenged the no-cross order earlier and it was challenged after lapse of 19 years. The learned trial court has passed well reasoned order, no interference is required in it and requested to dismiss the Petition.

4. I have heard both the learned counsel. Perused the impugned order passed by the learned CJM.

5. While rejecting the application of the Petitioner, the learned trial court has observed that the application for setting aside the no-cross order was filed after laps of 19 years. There is inordinate delay

for filing the application and it is filed only to prolong the matter. The statement of the Petitioner under section 313 of Cr.P.C. has been recorded, hence, the trial court has rejected the application and I do not find infirmity in it. The learned trial court has passed well reason order.

6. It is contention of learned counsel for the Petitioner that the Petitioner be given fair chance to put his case. In my view, the Petitioner has been charge-sheeted under various sections of IPC. As per principal of natural justice, fair opportunity should be given to the Petitioner to cross-examine the prosecution witnesses with condition that the Petitioner shall cross-examine the prosecution witnesses on day to day basis and preferably within a period of 8 working days subject to payment of cost of Rs. 25,000/-.

7. In view of above, I pass following order:

ORDER

- I. Petition is allowed.
- II. The impugned order passed by the learned CJM dated 11th January 2024 is hereby quashed and set aside.
- III. The petitioner is permitted to cross-examine the prosecution witnesses subject to payment of cost of

Rs.25,000/- payable to the High Court Legal Services Authority, Circuit Bench at Kolhapur.

- IV. The petitioner shall cross-examine the prosecution witnesses on day to day basis and finish the cross-examination within 8 working days from the next date before the trial court
- V. The learned trial court is requested to dispose of the pending matter as early as possible and preferably on day to day basis.
- VI. Petition is disposed of in the above terms.

(SHIVKUMAR DIGE, J.)