

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1470 OF 2025

Salim Shahabuddin Pinjari ...Petitioner
Versus
The State of Maharashtra & Anr. ...Respondents

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Mr. Santosh Punalkar i/b Mr. Dhananjay Chavan, for Petitioner.

Mr. Nitin. B. Patil, APP for the respondent No.1-State

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CORAM : SHIVKUMAR DIGE, J.
DATE : 18th NOVEMBER, 2025

P.C.

1. The challenge in this Writ Petition is to the order passed by learned Judicial Magistrate First Class (for short "JMFC"), Court No.3, Madha, below Exhibit-22. By the impugned order, the learned JMFC has rejected the application filed by Petitioner under Section 311 of Cr.P.C.

2. It is contention of learned counsel for the Petitioner that Petitioner wants to further cross examine PW-1 i.e. first informant as Petitioner could not give some information to his Advocate while cross examination, but this fact is not considered by the learned JMFC and has passed impugned order. Hence, requested to allow the Writ Petition.

3. It is contention of learned APP that after cross examination of first informant, within two months, the application was filed to further cross examination. Learned APP further submitted that no justifiable reasons are given in application for further cross examination of the first informant. The order passed by the learned JMFC is well reasoned order. No interference is required in it. Hence, requested to dismiss the Writ Petition.

4. I have heard both the learned counsels, perused the impugned order. The Tribunal has rejected the application on the ground that no sufficient reasons are given for further cross examination of the first informant as well as the application was filed only to fill up lacuna remained during cross examination. I do not find any infirmity in the order of learned JMFC. It appears from record that the offence under Sections 354, 354(D), 452, 342 and 506 of Indian Penal Code are registered against the Petitioner. The cross examination of the first informant is over. The Petitioner, who is accused in the said crime wants to further cross examine the first informant on the ground of additional information. In my view, to give fair opportunity to Petitioner to prove his defence, it is necessary to give him a chance for further cross examination of the first informant. Hence, I pass the following order.

ORDER

- (i) The Writ Petition is allowed;
 - (ii) The impugned order passed by learned Judicial Magistrate First Class (for short “JMFC”), Court No.3, Madha, below Exhibit-22 is hereby quashed and set aside.
 - (iii) The Petitioner is permitted to further cross examination of first informant, subject to payment of Rs.5,000/- to first informant.
 - (iv) The Petitioner is directed to finish cross examination the first informant on the same day.
5. The Petition is disposed off in the aforesaid terms.

(SHIVKUMAR DIGE, J.)