

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4599 OF 2025

Rupali Rahul More

....Petitioner

Vs.

The State of Maharashtra and anr

....Respondents

Mr. Vinay Kadam, Advocate for the Petitioner.

Mr. Chetan G. Patil Advocate for the Respondent No.2.

Mr. S. S. Chaudhari, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 21st NOVEMBER, 2025.

P.C.

1. The challenge in this petition is the impugned order passed by the learned Judicial Magistrate First Class at Gadhinglaj (For short 'JMFC') below Exhibit 123 and 124.

2. It is contention of learned counsel for the petitioner that respondent has filed complaint against the petitioner under Section 138 of Negotiable Instruments Act (for short 'NI Act'). The matter is at the stage of final arguments. After recording statement under Section 313 of Code of Criminal Procedure, 1973 ('Cr.P.C.'), an application was moved by respondent for accepting two documents. Learned JMFC has allowed the application and accepted those documents. The

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petitioner had filed an application stating that the petitioner be permitted to cross-examine the witness on accepted documents but the said permission is denied which is erroneous. Learned counsel further submitted that the petitioner should have given an opportunity to cross-examine the witness in respect of these documents. Hence, requested to allow the petition.

3. It is contention of learned counsel for the respondent that the documents produced on record were already on record and its certified copies were filed on record. The first document is certified copy of order passed under Section 101 of The Maharashtra Co-operative Societies Act, 1960 (for short 'MCS Act') which need not be proved and other document is resolution of the office bearers of the society authorizing the complaint to perform certain acts. It is not necessary to cross-examine the witness about these documents. It appears that it is tactics of the petitioner to prolong the matter. Hence, requested to dismiss the Writ Petition.

4. I have heard both learned counsels, perused impugned order passed by the learned JMFC. Admittedly, the documents were accepted after recording statement of the petitioner under Section 313 of Cr.P.C. Though the documents were already on record but

those were not exhibited earlier. After exhibiting the documents, the Court is going to consider these documents while passing Judgment and Order. If the Court is going to consider these documents, it is necessary to given opportunity to other side to cross-examine the witness after exhibiting these documents.

5. Considering these facts, I pass following order:

ORDER

- I. Writ Petition is partly allowed.
 - II. The petitioner is permitted to cross-examine the complainant in respect of two documents i.e. Exhibit 123 and Exhibit 124 only.
 - III. The petitioner shall not cross-examine the complainant except these documents and he shall finish his cross-examination on the same day.
 - IV. After cross-examination, the Trial Court shall record additional statement under Section 313 of Cr.P.C. of the petitioner in respect of Exhibit 123 and Exhibit 124.
6. Writ Petition is disposed off in above terms.

(SHIVKUMAR DIGE, J.)