

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1902 OF 2025

Dilip Lot Petitioner

V/s.

The State Of Maharashtra And Anr. Respondents

Mr.Sarvesh Deshpande a/w Ms.Trushna Shah i/b Mr.Tejesh
Dande, for the Petitioner.

Ms.Ranajan D. Humane, APP, for Respondent-State.

Mr.Soham D., PSI, Dehuroad Police Station.

CORAM : SHIVKUMAR DIGE, J.

DATE : 21st APRIL 2025

P.C:-

. By this Petition, the Petitioner is seeking quashing
and setting aside the order passed by the Additional Sessions
Judge, Vadgaon, Maval, Pune ('Sessions Judge' for short) below
Exhibit-27.

2. It is contention of the learned counsel for the
Petitioner that, the Petitioner is accused in Sessions Case No.152
of 2022. The victim and her mothers examination-in-chief was
recorded by the prosecution. The Petitioner's Advocate could not

NILAM
SANTOSH
KAMBLE

Digitally signed by
NILAM SANTOSH
KAMBLE
Date: 2025.04.24
14:41:26 +0530

cross-examine them. The Application was filed by the Petitioner for adjournment but it was rejected. Thereafter, the Petitioner filed Application to recall the said witnesses but learned Sessions Judge has rejected the Application. The Petitioner should get fair opportunity to cross-examine victim and her mother, but this fact is not considered by the learned Sessions Judge. Hence, requested to allow the Petition.

3. It is contention of the learned APP that, the Petitioner is grand-father of the victim, the allegations against him that he sexually assaulted the victim. The victim and her mother were attending the trial from District-Jalana. The evidence was recorded in the presence of the Petitioner and his Advocate but they did not cross-examine the victim and her mother, it was only to prolonging the matter. The FIR was lodged in the year 2022. The learned Sessions Judge has passed well reasoned order, no interference is required in it and requested to dismiss the Application.

4. I have heard both learned counsel. Perused impugned order.

5. While rejecting the Application to recall the witnesses, the learned Sessions Judge has observed that, the Petitioner wants to prolong the matter and on several occasions matter was adjourned at the instance of the Petitioner. The victim and her mother were coming from District-Jalana, on that ground the learned Sessions Judge has rejected the Application to recall the victim and her mother for cross-examination. As the Petitioner is accused in the said matter, it is necessary to give him fair opportunity to cross-examine the victim and her mother. Considering these facts, I pass following order.

ORDER

- (i) The order below Exhibit-27 passed by the learned Sessions Judge is quashed and set aside.
- (ii) The Petitioner is permitted to cross-examine the victim and her mother subject to payment of total cost of Rs.5,000/- to victim and her mother i.e. Rs.2,500/- each.
- (iii) The Petitioner shall complete cross-examination of both the witnesses in one day. If cross is not completed in one day, the matter can be adjourned as per discretion of the learned Special Judge.
- (iv) All pending Applications are disposed of.

(SHIVKUMAR DIGE, J.)