

Vishal Khanna	...	Petitioner
V/s.		
Bhishan Steel Industries through ...		Respondents
Rajiv J. Sareen and Anr.		

Mr. Siddharth Jagushte, for the petitioner.
Mr. T.C. Subramanian, for the respondent no. 1.
Mr. A.D. Kamkhedkar, APP, for the State.

CORAM : N.J. JAMADAR, J.
DATE : 25TH SEPTEMBER 2025.

PC:

1. Heard the learned counsel for the parties.
2. This petition calls in question the legality, propriety and correctness of an order dated 19th March 2025, passed by the learned Magistrate, Kurla, whereby an application filed by the petitioner – accused to set aside ‘No Cross’ order and permit the petitioner to cross-examine CW No.1 and CW No. 2, came to be rejected.
3. The learned Magistrate was of the view that, he had no power to recall the ‘No Cross’ order and, thus, those witnesses cannot be recalled by invoking the provisions contained in Section 311 of the Code of Criminal Procedure, 1973.
4. I have perused the material on record and especially the order

passed by the learned Magistrate whereby the right of the petitioners to cross-examine the complainant and his witnesses, stood forfeited.

5. The learned counsel for the petitioner submitted that, the petitioner was unaware of the developments in the proceedings until non-bailable warrant was issued against the petitioner. While seeking cancellation of the non-bailable warrant, to show the bona fide of the petitioner, he has deposited Rs. 1,85,000/- before the learned Magistrate.

6. The Court finds that, it would be expedient in the interest of justice to provide an efficacious opportunity to the petitioner/accused to defend himself in the complaint by cross-examining the complainant and his witnesses.

7. The concern expressed by the learned counsel for the respondent that the petitioner has resorted to dilatory tactics to delay the disposal of the complaint, can be taken care of by imposing certain conditions.

8. Hence, the following order;

ORDER

- a) The petition stands allowed.
- b) The impugned order dated 19th March 2025, stands quashed and set aside.
- c) 'No cross' orders dated 18th October 2019 and 20th December 2019, also stand quashed and set aside.
- d) The petitioner -accused is permitted to cross examine CW

No. 1 and CW No. 2, on the following conditions:

- i) The petitioner shall cross-examine the CW No.1 and CW No. 2 on the next scheduled date i.e. 18th November 2025.
- ii) The petitioner shall not seek any adjournment for the purpose of conducting cross-examination of CW No. 1 and CW No. 2 for any reason whatsoever.
- iii). The petitioner shall pay the costs of Rs. 10,000/- to the complainant on or before 18th November 2025.

Petition disposed.

(N.J. JAMADAR, J)