



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.5522 OF 2025**

Madhu Mohan Reddy	...	Petitioner
versus		
State of Maharashtra and Anr.	...	Respondents

Mr. A.L.Raju with Mr. Suhas S. Rao, for Petitioner.
Mr. A.D.Kamkhedkar, APP for State.
Mr. Nishant Sangle, for Respondent No.2.

CORAM: N.J.JAMADAR, J.

DATE : 4 NOVEMBER 2025

ORAL ORDER :

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 7 May 2025 passed by the learned Additional Sessions Judge in Criminal Revision Application No.399 of 2024, whereby the application came to be rejected on the ground that the order which was sought to be challenged in the said revision was not a revisable order.
3. The Petitioner is the accused in CC No.2551/SS/2015. The Petitioner did not cross-examine PW-3 on 16 March 2024, and, therefore, the right of the Petitioner to cross-examine PW-3 stood forfeited. The Petitioner filed applications (Exh.125 and 127) to recall the order dated 16 March 2024 and permit the Petitioner to cross-examine PW-3. By an order dated 12 April 2024, the said applications came to be rejected by the learned Magistrate.

The reason ascribed for the failure on the part of the Petitioner to cross-examine PW-3 was that, the learned Advocate who was to cross-examine PW-3 had a medical examination and, on 16 March 2024, he had undergone a Pet-Scan.

4. Learned Magistrate was not persuaded to accede to the request of the Petitioner as the learned Advocate who had appeared on 16 March 2024 and even on the day the orders came to be passed on the applications (Exh.125 and 127) was not prepared to conduct the cross-examination of PW-3.

5. Learned Counsel for the Petitioner submits that there was some misunderstanding. The Petitioner is ready and willing to cross-examine PW-3 on the scheduled date. The absence of the Advocate who was to cross-examine PW-3 was for a genuine reason.

6. Learned Counsel for the complainant – Respondent No.2 submitted that, the Petitioner has not conducted cross-examination of PW-3 since long and adjournments have been sought on one or the other pretext. The matter is now posted for examination of the accused under Section 313 of the Code of Criminal Procedure, 1973.

7. I have perused the material on record. Prima facie, the Court is of the view that, the reasons ascribed for not cross-examining PW-3 on 16 March 2024 appear to be genuine. In order to advance the cause of substantive justice and provide an effective opportunity of hearing to the Petitioner, the

Court is of the view that, the Petitioner deserves an opportunity to cross-examine PW-3. However, having regard to the period that has elapsed and the delay and inconvenience caused to the complainant, the Court considers it appropriate to put the Petitioner – accused to terms.

8. Hence, the following order :

ORDER

(i) The order dated 12 April 2024 passed by the learned Magistrate stands quashed and set aside.

(ii) PW-3 is recalled for cross-examination.

(iii) The Petitioner – accused is permitted to cross-examine PW-3, subject to the following conditions :

(a) The Petitioner shall pay costs of Rs.25,000/- to the Respondent No.2 – complainant on or before 27 November 2025.

(b) The Petitioner – accused shall cross-examine PW-3 on 29 November 2025 without fail.

(c) The cross-examination of PW-3 be concluded on that day and the Petitioner shall not seek any adjournment for cross-examination of PW-3.

(d) In the event, the Court is not in a position to record cross-examination of PW-3 on 29 November 2025 or the cross-examination remains inconclusive on account of paucity of time or otherwise, the Petitioner shall

conclude the cross-examination on the next adjourned date.

(e) The Petitioner shall not seek adjournments in the further trial of the complaint.

Writ Petition stands disposed.

(N.J.JAMADAR, J.)