

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 297 OF 2025**

Raju Dattatray Kamble

... Applicant

versus

The State of Maharashtra

.... Respondent

Mr. Sachin Punde along with Mr. Suraj B. Jadhav, Advocate for the Applicant.

Ms. Sangeeta D. Shinde, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 1st APRIL, 2025.

P.C. :

1. By this application, the applicant is seeking quashing and setting aside “No cross order” passed below Exhibit-12.
2. It is contention of learned counsel for the applicant that the applicant’s advocate could not cross-examine PW-1 as applicant’s advocate was not keeping well. The learned trial Court, on that day, has passed ‘no cross order, against the applicant. The applicant is facing trial under Section 376(1)(2)(n) of the IPC. It is necessary to give fair opportunity to the applicant to cross-examine PW1. Learned counsel further submitted that thereafter, the applicant filed an application for setting-aside “no cross order” but the learned trial court, without giving any reasons, rejected the application. Hence, requested to allow the application.

3. It is contention of learned APP that sufficient opportunity was given to the applicant to cross-examine PW1. Learned trial Court has passed well-reasoned order. While passing “no cross order” against the applicant, the learned trial Judge has observed that no application was filed for adjournment nor applicant cross-examined PW1 and the offence was related to sexual act, hence, learned Judge has passed the impugned order. The applicant is at fault for not cross-examining PW1. The applicant has cross-examined other prosecution witnesses. Hence, requested to reject the application.

4. I have heard both learned counsel, perused the impugned order below Exhibit-12. By the said application, the applicant had filed an application for setting-aside “no cross order” but without giving any reason, learned Sessions Judge has rejected the application. Learned Sessions Judge should have passed reasoned order. The applicant is facing charges for offence punishable under Section 376(1)(2)(n) of the IPC. It is necessary to give opportunity to the applicant to cross-examine PW1. Considering these facts, I pass following order:

O R D E R

1. The impugned order below Exhibit-12 passed by learned Additional Sessions Judge, Vadgaon Maval, District-Pune, is quashed and set-aside.
2. The applicant is permitted to cross-examine PW1, subject to payment of cost of Rs.2,000/- to PW1.

3. The applicant shall not take adjournment before learned Sessions Judge and shall remain present before the Court on each and every date.

The application is allowed in above terms and disposed of.

(SHIVKUMAR DIGE, J.)