



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.1026 OF 2025

Avinash s/o Manoharrao Warjekar

..vs..

State of Maharashtra and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N.C. Nagpure, Advocate a/w Shri A.V. Band, Advocate for
the petitioner.

Shri A.M. Joshi, Additional Public Prosecutor for respondent
no.1/State.

Shri A.M. Chandekar, Advocate for respondent no.2.

CORAM: M.M. NERLIKAR, J.

DATE : 22/12/2025.

Heard.

2. The petitioner/accused has moved an application on 25.09.2025 praying for direction that the victim/complainant to remain present in-person for her cross-examination, in the interest of justice. Said application was kept pending till 24.11.2025. It appears from the record that during this period, non-bailable warrant was issued against the victim by passing the order below Exhibits 224 and 226 as she was consistently absent in the proceedings.

3. The orders passed below Exhibit 224 and 226 were challenged by the victim before this Court by filing Criminal Writ Petition No.944/2025, wherein this Court vide order dated 19.11.2025, particularly in paragraph 3, has specifically observed that "On the assurance of learned counsel for the petitioner that the petitioner/victim shall appear before the Court through video conferencing on 24.11.2025".

4. It further appears that while deciding the application vide impugned order dated 24.11.2025, filed by the petitioner praying for direction to the victim/complainant to remain present in-person for her cross-examination, the Court has considered the order passed by this Court on 19.11.2025 in aforesaid writ petition and wrongly come to the conclusion that the accused to proceed with the cross-examination on V.C. as if this Court has directed for the same.

5. It is needless to mention that this Court has not expressed anything about the cross-examination of the victim. Further, the issue before this Court was only to the extent of challenge to the order passed below Exhibits 224 and 226, wherein non-bailable warrant was issued against victim and the observations are restricted to that extent only. Further, it appears that the Courts below i.e. Additional Sessions Judge, Bhandara has influenced by the order of this Court dated 19.11.2025. In this view of the matter, as the limited issue lie before me, I deem it appropriate to quash and set aside the impugned order. Hence, I proceed to pass the following order :

ORDER

- (a) The Criminal Writ Petition is allowed.
- (b) The impugned order dated 24.11.2025 passed below Exhibit 199 by learned Additional Sessions Judge, Bhandara in Sessions Trial No.10/2017 is hereby quash and set aside.
- (c) It is made clear that the application filed by the

petitioner/accused dated 25.09.2025 shall be decided on its own merits and without influence by the observations made either in the earlier order passed by this Court in Criminal Writ Petition No.944/2025 on 19.11.2025 or the order passed today.

6. Later on, though learned Counsel for the respondent no.2 submits that the victim may be permitted to file an application for appearing for cross-examination through V.C. however, this Court has not expressed anything in respect of taking away the liberty of the respondents to prefer the application.

7. The Criminal Writ Petition stands disposed of accordingly.

(M.M. NERLIKAR, J.)

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