



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 327 OF 2026

**DATTA GOPINATH SHELKE
VERSUS
PARMESHWAR ROHIDAS CHAVAN**

...
Advocate for the Petitioner : Mr. Shaikh Sohail Subhedar
Advocate for Respondent : Mr. Prashant S. Rath
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**CORAM : MEHROZ K. PATHAN, J.
DATE : 17th APRIL 2026**

PER COURT :

1. The Petitioner has filed the present petition challenging the order dated 09.02.2026, whereby the application for setting aside the 'no cross' order dated 28.01.2026 was allowed, with a direction to conduct the cross-examination of the Complainant on the date of passing of the order. Since the Petitioner did not remain present for conducting the cross-examination of the Complainant, nor did the advocate for the accused appear or file any application seeking adjournment, the cross-examination of the Complainant stood closed by order dated 09.02.2026, passed by the 3rd Civil Judge, Senior Division, Aurangabad, below Exhibit-1 in SCC No. 15582/2025.

2. This Court, vide order dated 11.03.2026, directed the Petitioner to deposit an amount of Rs. 20,000/- to show his bona

fides. The Petitioner has deposited the said amount before this Court and thereby demonstrated his bona fides. The learned Counsel for the Petitioner submits that the Petitioner is ready to cross-examine the Complainant as and when directed by the learned Trial Court. It is stated that due to inadvertence, neither the Petitioner nor his Counsel was present to conduct the cross-examination on the date when the application for setting aside the 'no cross' order dated 28.01.2026 was taken up. However, the Petitioner is now ready to cross-examine the Complainant if permitted to do so, having already shown his bona fides by depositing an amount of Rs.20,000/-.

3. Taking into consideration the aforesaid submissions, I am inclined to pass the following order :

ORDER

(i) The impugned order dated 09.02.2026 passed by the learned 3rd Civil Judge, Senior Division, Aurangabad below Exhibit-1 in S.C.C. No. 15582/2025, is hereby quashed and set aside.

(ii) The amount of Rs. 20,000/- deposited by the Petitioner shall be handed over to Respondent/Parmeshwar Chavan upon his application within one week from today.

(iii) The accused is permitted to cross-examine the Complainant.

(iv) The parties are directed to appear before the learned Trial Court for the cross-examination of the Complainant on 29.04.2026, on which date the learned trial Court shall permit the accused and his Counsel to cross-examine the Complainant.

(v) The Criminal Writ Petition is allowed and disposed of in the aforesaid terms.

MEHROZ K. PATHAN
JUDGE

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