



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 CRIMINAL REVISION APPLICATION NO. 2 OF 2026

Ajinkya s/o Kakasaheb Mane,
Age : 24 years, Occ. Agri.,
R/o- Shingoli, Taluka Kalamb,
District Osmanabad.

... Applicant
[Orig. Accused]

Versus

The State of Maharashtra,
Through Police Station Officer,
Yermala Police Station,
Osmanabad, Taluka Kalamb,
District Osmanabad.

... Respondent

...
Advocate for Revision Petitioner : Mr. Kiran P. Rathod
APP for Respondent-State : Mr. S. K. Shirse
...

CORAM : ABHAY S. WAGHWASE, J.

DATED : 14 JANUARY 2026

ORDER :-

1. Issue notice to the respondent-State. Learned APP Mr. Shirse waives notice. By consent, matter is heard finally at admission stage.
2. By way of instant criminal revision application, the original accused takes exception to the orders dated 01.02.2025 and 16.09.2025 passed below Exhibits 34 and 46 respectively, by learned Special Court, Kalamb in Special Case No. 127 of 2023, thereby rejecting the applications for setting aside the "No Cross" orders.

3. Learned counsel for the revision petitioner points out that accused is facing trial for offence under Sections 376(2)(n), 363, 366 of IPC and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 [POCSO Act]. He submits that prosecution has adduced evidence of PW6-Medical Officer as well as PW1-mother of victim. However, after examination-in-chief of these witnesses was over, merely because the counsel for accused was not available to cross-examine them, their cross has been declined. That, subsequently, applications Exhibits "34" and "46" were pressed into service praying therein to set aside the "No Cross" order and to permit accused to cross-examine the above two witnesses.

4. Learned counsel further submits that, in the interest of justice, he needs fair opportunity to cross-examine the crucial witnesses.

5. Learned APP opposes on the ground that the counsel for accused was absent at relevant time and therefore, learned trial court committed no error in refusing to conduct cross-examination.

6. Heard. Perused the applications Exhibits "34" and "46". It appears that during the course of recording evidence of the Medical Officer as well as mother of victim, after examination-in-chief, cross

has not been conducted by learned counsel for the accused. Perused the orders passed on applications Exhibits "34" and "46" It is apparent from the same that say of prosecution has not been called by learned trial court and directly order has been passed rejecting cross examination.

7. In view of the above discussion, in the interest of justice and for affording fair opportunity, following order is passed :

ORDER

- I. The Criminal Revision Application is allowed in terms of prayer clauses (B), (C) and (D).
- II. The learned trial court to afford an opportunity to the revision petitioner to cross-examine the witnesses mentioned in prayer clause (D) by issuing summons to the parties.
- III. The Criminal Revision Application is accordingly disposed off.

[ABHAY S. WAGHWASE, J.]