

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 963 OF 2025

Punam Ashok Kamble	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. D.V. Sutar a/w Ms. Shruti Ghodake, a/w Ms. Rakshita Shinde a/w
Mr. Omkar Sutar i/by Ms. Reshma Adnaik, Advocate for Applicant.
Mr. S. H. Yadav, APP for the Respondent-State.

CORAM : NITIN B. SURYAWANSHI, J.
DATE : 6th JANUARY 2026.

P.C.

1. By this application filed under Section 482 of the Code of Criminal Procedure (Code), the applicant takes exception to the order below Exhibit-106 passed by learned Additional Sessions Judge, Wai in Sessions Case No.63 of 2023, thereby rejecting the application filed by the applicant under Section 311 of the Code, for recalling of PW-1 for further cross examination.

2. Heard learned Advocate for applicant, learned APP for the Respondent-State. Perused the documents placed on record and the impugned order.

3. The trial Court has rejected the application on the sole ground that merely because the earlier Advocate is changed that

cannot be a ground to seek recall of the witness, who was examined previously.

4. Perusal of the application at Exhibit-106 shows that a specific ground is taken by the applicant that in the cross examination of PW-4, some correspondence was referred which has direct nexus to PW-1, so recall of PW-1 for further cross examination in respect of admissions given by PW-4 in respect of official correspondence and on the point of CCTV footage. The trial Court has ignored this aspect.

5. With a view to give fair opportunity to defend to the applicant, the application deserves to be allowed.

6. In the result, application is allowed.

7. The impugned order dated 15.09.2025 passed by the learned Additional Sessions Judge, Wai, below Exhibit-106 in Sessions Case No.63 of 2023 is quashed and set aside.

8. PW-1 is directed to be recalled for further cross examination.

9. Parties shall cooperate for expeditious disposal of the matter.

(NITIN B. SURYAWANSHI, J.)