

S.S.Kilaje

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 6427 OF 2025**

Ganpat Tulshiram Magar

... Petitioner

Versus

Travinder Singh Hora And Anr.

... Respondents

Mr. Ravindra S. Pachundkar, Advocate for the Petitioner.

Mr. M.G.Patil, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 5th FEBRUARY, 2026.

P.C. :

1. Heard learned counsel for the petitioner and learned APP for the State.
2. The challenge in this Petition is order passed by the Additional Sessions Judge, Pune rejecting the Revision Application of the petitioner.
3. It is contention of learned counsel for the petitioner that the petitioner is accused under Section 138 of Negotiable Instrument Act (for short "N.I.Act"). The cross examination of the petitioner is closed by the learned J.M.F.C. Pune. The Advocate of the petitioner was changed and he did not have the copy of affidavit in examination in chief, hence he could not cross examine the witness on given date. However, learned Magistrate closed cross examination of the

S.S.Kilaje

petitioner. The petitioner is ready to cross examine the witnesses without taking adjournment and requested to allow the petition.

4. Though notice is issued to respondents, none present for respondent No.2.

5. Learned APP submitted that on earlier one occasion, no cross order was passed against the petitioner. The said order was set aside subject to cost of Rs.3,000/-. However, thereafter petitioner willfully avoided to cross examine the witnesses. The Sessions Court has passed well reasoned order. No interference is required in it. The petitioner is deliberately prolonging the matter and requested to dismiss the petition.

6. I have heard both the learned counsel. Perused impugned Judgment. The petitioner is accused in the complaint filed by the respondent No.2 under Section 138 of N.I.Act. It appears from the record that earlier no cross order was passed against the petitioner. It was set aside, subject to payment of cost. As petitioner is ready to cross examine the witnesses without taking adjournments, in the interest of justice, to give the petitioner fair chance to place his defence, I pass following order:

ORDER

(i) Writ Petition is allowed.

(ii) The no cross order passed against the petitioner is hereby quashed, subject to payment of cost of

S.S.Kilaje

Rs.10,000/- to the complainant.

- (ii) The Non Bailable warrant issued against the petitioner is hereby canceled. The petitioner shall cross examine the witness on the next date.

(SHIVKUMAR DIGE, J.)