

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1344 OF 2026**

Praveen Sambhaji Pawar

..Petitioner

Versus

The State of Maharashtra and Anr

...Respondents

Mr. Rohit Upadhyay, with Mr. Shadab, for the Petitioner.

Mr. A.D. Kamkhedkar, APP, for Respondent No.1.

CORAM: N. J. JAMADAR, J.

DATE : 26th MARCH 2026

ORAL ORDER:

1. Heard the learned Counsel for the Petitioner.
2. The challenge in this Petition is to an order dated 11th November 2022, whereby an Application preferred by the Petitioner to recall the complainant for further cross-examination, came to be rejected.
3. The Court finds that initially, 'no-cross' order was passed against the Petitioner-Accused. Upon an application for recall of the said order, the learned Magistrate recalled the said order and permitted the Petitioner-Accused to cross-examine the complainant.
4. On 14th November 2024, the complainant was cross-examined by the Accused. After the Accused completed the cross-examination, the

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learned Magistrate has made an endorsement on the deposition of the complainant that the cross-examination was completed.

5. It seems that, thereafter an Application was filed to recall the complainant for further cross-examination on the ground that, when the complainant was cross-examined, important questions could not be put to the complainant. Since the Petitioner has already cross-examined the complainant in a complaint punishable under Section 138 of the Negotiable Instruments Act, 1881, and the cross-examination was complete, the refusal to recall the witness on the ground that certain questions were not put to the complainant, cannot be faulted at. A useful reference can be made to the decision of the Supreme Court in the case of **State (NCT of Delhi) Vs Shiv Kumar Yadav and Anr**,¹ wherein the Supreme Court, emphasised that recall of a witness cannot be allowed for the asking or reasons related to mere convenience.

6. No interference is thus warranted in the impugned order.

7. Hence, the petition stands dismissed.

[N. J. JAMADAR, J.]

¹ (2016) 2 SCC 402.