

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 414 OF 2026

Kalpesh Sanjay Nikam

... Applicant

Versus

State Of Maharashtra And Anr.

... Respondent

Ms. Prajakta Deshmukh, learned Advocates for the Applicant

Mr. Tanveer Khan,, learned APP for the Respondent – State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 7th March, 2026.

P.C. :

1. Heard Ms. Prajakta Deshmukh, learned Advocate for the Applicant. She submits that the Applicant is in jail in respect of the crime which is subject matter of Special POCSO Case No. 09 of 2021. She submits that the cross examination of the Respondent No. 2 is closed on account of the fault of the Applicant's lawyer. She submits that for the fault of the lawyer of the Applicant, who has defaulted in conducting the cross-examination, the Applicant who is in jail should not suffer.

2. Ms. Prajakta Deshmukh, submits that the matter is now fixed on 9th March, 2026 for defence evidence and therefore, she

submits that the proceedings before the Trial Court be stayed as the Applicant has a good case in these proceedings. She submits that in the event the Applicant is not afforded an opportunity to cross-examine, the entire defence of the Applicant would suffer.

3. Mr. Tanveer Khan, learned APP for the Respondent – State, contests the said contentions of Ms. Prajakta Deshmukh.

4. Issue notice to the Respondent No. 2, returnable on 16th March, 2026.

5. Considering the Applicant being in jail and his right to cross examine in the matter which pertains to matters under the POCSO Act are concerned, the learned Special Judge, Panvel, District Raigad is requested to differ the hearing scheduled on 9th March, 2026 post the returnable date in this Criminal Application i.e. 16th March, 2026.

6. Ms. Prajakta Deshmukh, assures the Court that the service on the Respondent No. 2 would be completed on or before the returnable date in the present Criminal Application.

7. Notice to the Respondent No. 2, be served through the Investigation Officer, Khandeshwar Police Station, with a direction to file a Service Report on or before the returnable date in this Criminal Application.
8. Spare copy of the Criminal Application be furnished to the Registry of this Court on or before 9th March, 2026.
9. In addition, Ms. Prajakta Deshmukh, craves leave to furnish a spare copy of the Criminal Application to the Khandeshwar Police Station, which she undertakes to serve on or before 9th March, 2026. Leave granted.
10. List this Criminal Application on 16th March, 2026.

(ASHWIN D. BHOBE, J.)

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