

SPECIAL CASE (ACB) NO.19/2015.

State of Maharashtra Vs. Naina Pohekar & Others.

~~~~~

**ORDER BELOW EX.87.**

(Passed on 08.01.2026)

By filing this application, the accused is seeking setting aside the order of “closing cross examination” of the prosecution witnesses. State has opposed the application.

2) Heard both sides.

3) This is 10 years old case filed under Prevention of Corruption Act. Evidence of de facto complainant was going on. Previously his examination-in-chief was recorded. Part cross examination was also recorded. On 5.1.2026, matter was fixed for conducting further cross examination of the witness. Witness was present and Ld. Spl. P.P. was also present. Witness was ready for further cross examination. However Ld. Advocate for the accused was not available to conduct the trial. Considering old pendency of the matter and aforesaid circumstances, further cross examination was closed.

4) Today present application has been filed. State has opposed the same and has prayed to reject the application. Though on previous date Ld. Advocate for accused was not present and as such could not conduct the trial, it is observed that earlier, he remained present to conduct the case. It is not observed that Ld. Advocate avoided to conduct the trial in this matter or even other matters in which he regularly appears before this court. De facto complainant is the most important prosecution witness. To conduct fair trial, it is necessary to give proper opportunity to the accused to put up his defence and thoroughly cross examine the witness for his defence. Present application is filed without any

delay and Ld. Advocate is ready to conduct further cross examination. He has submitted that any short possible date is fine with him. In such circumstances, application deserves to be allowed. Hence following order.

**Order**

1. Order of “no cross examination” order dated 5.1.2026 is hereby set-aside.
2. No order as to costs.
3. Ld. Advocate for the accused is hereby directed to conduct the cross examination of de facto complainant on next date positively.

Date : 08.01.2026.

( A. D. Kshirsagar )  
Additional Sessions Judge, Akola.