

MHAU030067172025



**R.C.C. No.790/2025**  
**The State of Maharashtra Vs. Harshkumar**  
**ORDER BELOW EXH.266.**

Read application and say. Perused the record. This is the application filed by prosecution to conduct re-examination-in-chief of witness namely (PW-3) Devling Thalapati.

2. Ld. A.P.P. for the State submitted that, in cross-examination of the witness (PW-3), some new matter was introduced by accused. It is necessary to take re-examination-in-chief due to it creates ambiguity and it needs to give some explanation on new matter. So, it is necessary for prosecution to re-examine the witness. So, application may kindly be allowed.

3. Ld. Advocate for accused No.1 and other strongly objected and submitted that, re-examination can be conducted with the permission of the court for explanation of matter referred in cross-examination or if new matter then by permission of court. However, in entire application there was nothing which matter was introduced by

accused on which explanation needs to be taken. Further, the accused can cross-examine on any subject to relevancy of fact. If new matter want to introduce by prosecution, then also prosecution needs to give which new matter. So, once the cross-examination is over, prosecution needs to give details on which prosecution wants to get explanation to remove the ambiguity. Nothing in the application for which matter, prosecution get this application. Further, re-examination cannot be permitted to remove the admission given by the witness. In such situation application is not tenable, vague and deserves to be rejected.

3. The (PW-3) was called as a witness on 16.04.2026, sufficient time was given to the prosecution for conducting the examination-in-chief. On 16.04.2026, part chief-examination was recorded and then 21.04.2026 the remaining chief-examination and cross-examination by accused conducted. Then, on the same day this application was given. However, in the application there was nothing whisper about what new material was introduced by the accused in the cross-examination on which prosecution want to get explanation to remove the ambiguity. Further, there was nothing in the application that, any new matter wants to introduce by prosecution. In fact on the day of cross-examination the prosecution was at liberty by saying

orally immediately that, they want to re-examination on a particular matter, but instead of submitting the said, prosecution gave this application without mentioning any reason or on which material re-examination prosecution want to take. So, it appears that, prosecution gave vague application and it appears that, only to take some time. So, this application not tenable for not giving proper details. Further, the re-examination cannot be permitted to withdraw any admission or to contradict anything stated in the cross-examination. So, the application not tenable and deserves to be rejected. Hence, I proceed to pass the following order -

**ORDER**

Application Exh.266 is rejected.

Date : 11/05/2026.

**( R. S. Jambotkar )**  
Chief Judicial Magistrate,  
Aurangabad.

**CERTIFICATE**

I affirmed that the contents of this P.D.F. file Judgment/order are same, word to word, as per the original order.

Name of the Stenographer	:	Gajanan R. Tehere Stenographer Grade-II.
Court C.J.M.,	:	(Shri. R.S. Jambotkar) Aurangabad.
Date	:	11.05.2026
Judgment/Order signed by the Presiding Officer on	:	11.05.2026
Order uploaded on	:	11.05.2026

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