



**S.C.C. No.194/2023**  
**State -vs- Rahul Chaudhari & other**  
**CNR No.MHBU07-001777-2023.**

**COMMON ORDER BELOW EXH.137 & 139**

[Passed on 23.07.2024]

1. By the application at Exh. 137 accused no. 2 sought permission to recall the PW 1 for cross-examination and by application at Exh. 139 accused no. 1 and 5 sought permission to recall the PW No. 1 for cross-examination. Perused application and Say filed by Ld. APP. Heard Ld. Advocate for the accused and Ld. APP.

2. It is the contention of the accused persons that PW No. 1 was examined on 29.05.2024 and cross-examination of the PW No. 1 could not be taken due to the absence of their counsel. Hence, Ld. Counsel for the accused prayed for recalling the PW No. 1 for the cross-examination.

3. Ld. APP strongly opposed the application and submitted that reason given in the application are not supported by any document and those reasons are not justified. Hence, Ld. APP prayed for rejection of the application with cost.

4. It is the matter of record that cross-examination of the PW No. 1 could not be conducted due to the absence of Ld. Counsel for the accused. These application have been filed on 31.05.2024. There is no delay in filing of this application for the recalling of the witness. Therefore, opportunity of the cross-examination of the PW No. 1 needs to be given to the accused in the interest of justice. Prejudice

caused to the prosecution may be compensated by imposing the penalty and witness bhatta on the accused. Hence, following order.

**Order**

1. These applications are allowed with the penalty of Rs. 500/- and witness bhatta of Rs. 500/-.
2. Issue summons to the PW 1.

Date : 23.07.2024.

**[ N. D. Meshram ]**  
Judicial Magistrate First Class,  
1<sup>st</sup> Court, Shegaon, Dist. Buldana.

I, *K. S. Deshmukh*, Stenographer of C.J.J.D. & J.M.F.C. Court No.1, Shegaon affirm that the contents of this P.D.F. file order is correct word to word as per the Original Order.