

**R.C.C. No. 280/2017**  
**State -Vs- Santosh Waghmare**  
**CNR No.MHBU07-002043-2017**

**ORDER BELOW EXH.20**  
[Passed on 31.12.2025]

1. This is an application filed by the accused to recall the witness for cross examination. Peruse the application and say filed by Ld. APP. Heard Ld. Counsel for the accused and Ld. APP.

2. It is the contention of the accused that on 14.11.2025 the accused has filed adjournment application for grant of time to take cross examination of informant due to illness of his advocate. The adjournment application filed by the accused came to be rejected and evidence of the informant was completed. It is just and proper to give opportunity to the accused for cross examination of the informant. The accused is ready to pay witness bhatta if informant is recalled for cross examination. Accused is ready to follow each and every conditions to be imposed by this court. On the contrary it will cause great prejudice to the accused if informant is not recall for cross examination. Hence, accused prayed for allowing the application.

3. Ld. APP strongly opposed the application and submitted that opportunity to cross examine the witness has been given to the accused who has cross examined the witness thoroughly on 14.11.2025. Ld. Counsel for the accused was absent on date when cross examination of the

informant was to be taken. Fair opportunity to cross examine the witness has already been given to the accused. Hence, this application is not tenable. With this contention Ld. APP prayed for rejecting the application.

4. On perusal of record it appears that the informant was examined on 14.11.2025 and on that day the application at Exh.18 filed by the accused for grant of time to cross examine the informant came to be rejected on the ground that this matter is old and the accused was aware of the presence of the witness on the last date. The accused has mentioned the ground of adjournment in the application that his counsel had gone to outside for judicial work. Now in the instant application the accused has mentioned the ground of illness of his advocate. There is contradictory reason in the application for the adjournment on the date of examination of the informant and in the present application. It is ample clear that the accused sought adjournment on any ground on the date of the examination of the informant. Furthermore, the accused himself has cross examined the informant. It is further revealed that cross examination taken by the accused was not proper as he is not legally educated person. The cross examination of the informant could not be conducted by the accused in the manner in which the legally educated person would have conducted. No doubt this is a old matter and accused has tried to prolong this matter. Despite that I am of the view that one opportunity be given to the accused for cross examination of the informant by his counsel. The prejudice caused to the prosecution and the witness can be

compensated by imposing the witness bhatta and penalty on the accused. In view of above reason I am inclined to allow this application and proceed to pass following order.

**ORDER**

1. Application is allowed with direction to the accused to pay the witness bhatta of Rs.1,000/- to be paid to the informant who is to be cross examined by Ld. Counsel for the accused.
2. It is further directed to the accused that he shall pay the penalty of Rs.500/-.

Date : 31.12.2025

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

I, *P. K. Ingle*, 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.