

MHGA030013732023



IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, GADCHIROLI

(Presided by Shri. S.P. Sadafale)

R.C.C. No. 160/2023

**State of Maharashtra,
Through Police Station,
Gadchiroli.**

... Prosecution

- V e r s u s -

Naushad Abbas Kureshi

... Accused

ORDER BELOW EXH.45

(Passed on 28.04.2026)

By this application, accused is soliciting to recall witness no.5 Gajanan Sahare, who lodged report with the police for alleged crime. Learned APP opposed the application strongly on the ground that the witness is already cross-examined and cannot be recalled for further cross-examination.

2] Heard learned counsel for both the parties.

3] Record shows that the accused cross-examined the PW-5, but learned counsel for the accused submitted that few material questions remained to be asked to the witness and PW-5 being informant is required to be cross-examined in that respect for establishing defence probably on record. Record further shows that the prosecution still examining its witnesses and no prosecution side is

closed. Therefore, recalling of witness will not be prejudice to the prosecution and considering nature of prosecution case the accused is entitled to cross-examine the informant in detailed, but subject compensatory costs to the witness, who is required to the attend Court proceeding frequently. In the result, following order is passed.

- O R D E R -

1. Application is allowed, subject to costs of Rs.300/-.
2. Issue summons to the PW-5 for his further cross-examination, on payment of cash.

Date- 28-04-2026.

(S.P. Sadafale)
Chief Judicial Magistrate
Gadchiroli