



CNR: MHLA01-000707-2018.
Sessions Case No.13/2018.
State -Versus- Soudagar.

ORDER BELOW EXH.111.

1. Present application has been filed on behalf of accused and it is prayed that 'no cross' order passed be set-aside and accused be permitted to cross-examine the witness. It is mentioned that examination-in-chief of informant has been recorded below Exh.108. Accused filed application for adjournment below Exh.197, which has been rejected and no cross order has been passed. On the relevant date, Advocate for accused was out of station, which is mentioned in adjournment application and Advocate did not intentionally avoid to cross-examine the witness, but due to unavoidable reason could not remain present and cross-examine the witness. The witness is necessary to be cross-examined to bring truthfulness of the case.

2. Learned A.P.P. filed say that the application is not tenable in the eye of law. After giving sufficient opportunity no cross order came to be passed. The contents of present application are specifically denied and prayed to reject the application.

3. Application filed below Exh.107 on behalf of accused, appears to be rejected for the reason that on 12.02.2024, as per Exh.106, B.W. was issued to the witness, who is of 65 years and residing at Pune, and the date on 04.03.2024 was fixed

with the consent of Advocate for accused, even then adjournment filed. The witness, whose evidence has been recorded below Exh.108 is the informant, on the basis of whose report the crime has been registered. Therefore, her cross-examination is necessary. At the same time, it also cannot be ignored that even after giving sufficient opportunity, adjournment application on behalf of accused came to be filed, when the witness was present for recording her evidence. Therefore, penalty of Rs.700/- is just to be imposed, while granting application and giving opportunity to cross-examine the witness on behalf of accused. Hence, following order :-

ORDER

1. Application Exh.111 is allowed, subject to penalty of Rs.700/-.
2. Accused is permitted to cross-examine the informant i.e. PW-6.
3. Issue witness-summons to PW-6 Chandrakala Somase.

Date : 18.06.2024.

**(Smt. R.M. Kadam)
Additional Sessions Judge - 4,
Latur.**
