

Spl. (POCSO) Case No. 13/2023
State / Chandrakant

ORDER BELOW EXHIBIT NO.38
(CNR No. MHOS050001792023)

1. This is an application filed by the accused for recalling PW-1 and PW-2 for their cross-examination by the advocate. It is the contention of the advocate for the accused that accused did not contact him initially did not gave instruction and hence he could not cross-examine those witnesses. When the accused came and gave instruction he cross-examine other witnesses. The evidence of PW-1 and 2 has remained unchallenged which may cause prejudice to the accused. He has prayed for recalling the witness PW-1 and 2 for cross-examination.

2. Learned APP opposed the application on the ground that the advocate for the accused even did not file application for adjournment when PW-1 and 2 were examined. In the application also valid ground is not vague, she has prayed for rejection of the application.

3. Perusal of the record shows that the learned advocate for the accused even did not file for application adjournment on that day. However, he has cross-examine PW-3 to 6 there after. This shows his bona-fide, if application is not granted to recall the witnesses grave prejudice be caused to the accused. No prejudice cause to be prosecution if application is allowed. The inconvenience to cost the witnesses can be compensated by imposing cost for their come in the Court. Hence, I pass following order.

ORDER

1. Application Exh.38 is allowed subject to payment of cost of Rs.500/- each to PW-1 and PW-2.
- 2 PW-1 and PW-2 to be recalled for their cross-examination by the accused.

Dated :- 07.08.2026

Sd/-
(Adil M. Khan)
Special Judge, Omerga.

CERTIFICATE

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

Name of Stenographer	:	Shriram Hanmantrao Kale, Stenographer (Grade-I)
Court	:	Additional Sessions Court, Omerga.
Date	:	07.08.2026
Order signed by the Presiding Officer on	:	07.08.2026
Order uploaded on	:	07.08.2026