



**Order Below Exhibit 34**  
**(State of Maharashtra Vs. Adarsh Ramesh Mohite)**

This is an application filed on behalf of the accused to set aside the no cross order passed below exhibit 33 in respect of PW-3. The Ld. APP has filed her say and strongly resisted the present application.

2. Perused the application and say filed. Heard Ld. APP and Ld. Adv. For the accused.

3. Perused the record of the case. Accused is facing charge under section 25 of the Indian Arms Act read with sections 37(1)(3) of the Bombay Police Act punishable under section 135 of the Bombay Police Act. Perusal of the application, it is submitted on behalf of the accused that, "Today Hon'ble Court was pleased to order no cross against the witness. That now, we are ready to conduct cross examination of witness. So order of no cross of witness may kindly be set aside to meet the ends of justice".

4. It would be contended on behalf of the prosecution that, the PW-3 was present since 10.30 and accordingly, his examination in chief was conducted in presence of accused. The Ld. Junior Adv. Was representing the accused. However, she submitted that, her senior advocate is going to conduct the cross examination. However, as he is currently busy in some other court, he cannot remain present to conduct the cross examination. Following this, the prosecution has discharged the PW-3 at 02.00 pm and on inquiring the accused about his right to cross examine, the

accused did not show his willingness and hence, no cross order has been passed. Hence, prayed to reject the present application with heavy penalty.

5. Apparently, this is a matter pending since 2016. The PW-3 was a witness (Police Officer). Perusal of the application, it appears that, it has been filed with a casual approach without stating any justified reasons in it. It is a settled position that the right of accused to cross examine is fundamental to decide the matter on merits. But considering the fact that the present case is pending since 2016 and even after sufficient time, the accused did not turn up to conduct the cross examination of the PW-3. Pertinently, the application at Exhibit 34 does not show case any justified reasons as to why the no cross order passed shall be set aside. Thus, considering the overall conduct on record, no justified grounds made out on behalf of the accused. Accordingly, following order is passed -

**ORDER**

Application (*Exhibit 34*) is rejected.

**Date – 18/09/2025**  
**Sangli.**

**(J. S. Makandar)**  
**Judicial Magistrate First Class, Court 04,**  
**Sangli.**

## CERTIFICATE

I affirm that the contents of this PDF file judgment/Order is same word as per the original Judgment / Order.

(a)	Name of the stenographer	:	P. D.Tingare
(b)	Court	:	J. S. Makandar 04 <sup>th</sup> Jt.Civil Judge Jr.Dn.& J.M.F.C.,Sangli
(c)	Judgment/Order signed by PO. on	:	18/09/2025
(d)	Judgment/Order uploaded on	:	18/09/2025