

Sessions Case No.9/2022,
Golu @ Pratik Chandrabhan
Wadaskar + 3

-Vs-

State through P.S.O., P.S., Shirpur,
Dist. Yavatmal.

ORDER BELOW EXHIBIT 63

(Date : 02/07/2025)

This application has been filed on behalf of accused Nos. 3 and 4 to recall the witness P.W.8 Sunil Ashokrao Wagh for cross-examination.

02. Heard learned Advocate for the accused Mr. Ali, learned A.P.P Mr. More. Perused say given by learned A.P.P and the entire record of the trial including the evidence of witnesses.

03. Upon considering the rival submissions in the light of material emerged from the record, it appears that although time is given to cross-examine the witness to accused Nos. 3 and 4, he has not cross-examined when present after granting adjournment earlier, hence his cross-examination is closed. Cross-examination is substantial tool at the hands of the accused to impeach the credibility of a witness. Hence, cross-examination is not just formality but

a essential exercise to be adopted and followed in any trial necessary to access the credibility of the witness. Hence, to grant fair opportunity to accused Nos. 3 and 4 to represent themselves in the trial in the interest of justice and considering all attending facts, this application is liable to be allowed. Witness can mark his presence through V.C. from Wani Court for cross-examination as per his submissions made earlier. But, if due to any technical problem if this witness would not mark his presence through V.C. some costs needs to be imposed if he would make physical presence in the Court for cross-examination by accused Nos. 2 and 3. Costs of Rs. 400/- as a witness Bhatta would be proper and appropriate costs. Hence, the application is liable to be allowed. As a result the following order -

ORDER

1. Application Exh.63 is allowed thereby PW.8 Sunil Ashokrao Wagh is hereby recalled for cross-examination on behalf of accused Nos. 3 and 4.

2. If witness would appear on V.C. his evidence would be recorded through V.C. In any case if witness would appear physically before the Court for cross-examination, costs of Rs. 400/- as a witness Bhatta be given by accused Nos. 3

and 4 to witness.

3. Both parties to take note.

(Order dictated and pronounced in open Court today in presence of learned advocate for accused and learned A.P.P.)

Date : 02/07/2025.

(A. M. Deshmukh)
Additional Sessions Judge-1,
Kelapur, Dist. Yavatmal