

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 2174/2026

Narpat Ram Lidiya S/o Mangla Ram aged, Aged About 50 Years,
R/o Lawa, Tehsil Pokran, District Jaisalmer, Raj.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Chandu Ram S/o Sh. Licharam R/o Pugaliya, Tehsil Shergarh, District Jodhpur (Raj.) C/o Bhawanipura Pukran, Tehsil Pukran, District Jaisalmer (Raj.)

-----Respondent

For Petitioner(s)	:	Mr. Mahipal Singh Charan
For Respondent(s)	:	Mr. Vikram Rajpurohit, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

24/03/2026

The present criminal misc. petition has been filed by the petitioner under Section 528 of BNSS against the order dated 18.02.2026 passed by learned Additional Chief Judicial Magistrate, Pokran (for short "trial court") in Criminal Case No.795/2023, whereby the application seeking opportunity to cross-examine the complainant has been rejected.

Learned counsel for the petitioner submits that the learned trial court had earlier closed the petitioner's opportunity to cross-examine the complainant vide order dated 14.08.2025. Thereafter, the petitioner had filed an application seeking reopening of the said application, which came to be rejected by the learned trial Court on 18.02.2026, hence, the present petition.

Learned counsel for the petitioner submits that a last opportunity was granted to the petitioner to cross-examine the complainant on 30.06.2025. However, on 31.07.2025, when the

matter was fixed the Presiding Officer was on leave and, thereafter, the matter was fixed on 14.08.2025 and on that day, due to death of a close relative of the petitioner, cross-examination could not be conducted as the petitioner could not appear before the learned trial court. It is thus submitted that in such circumstances, one last opportunity, deserves to be granted to the petitioner, otherwise denial of such opportunity would result in denial of fair trial.

This Court has considered the submissions made by the learned trial Court for the petitioner as well as perused the material on record. The order dated 31.07.2025 reveals that on the said date, the Presiding Officer was on leave and, due to death of close relative, the petitioner, also could not appear before the learned trial court to cross-examine the complainant.

In view of the above, this Court is inclined to grant one last opportunity to the petitioner to cross-examine the complainant, subject to the payment of the cost of Rs.5,000/-.

Accordingly, it is directed that the learned trial court shall permit the petitioner to cross-examine the complainant on the next date of hearing or as and when the complainant is present. The petitioner shall pay a cost of Rs.5000/- to the complainant as directed above. It is made clear that no further opportunity to cross-examine the complainant shall be granted.

Accordingly, the present criminal misc. petition is allowed.

(BALJINDER SINGH SANDHU),J