

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

S.B. Criminal Misc(Pet.) No. 2335/2026

1. Rohit Kumar Fadiya S/o Shri Gunwant Lal Fadiya, Aged About 46 Years, Shop No. 2, Krishi Upaj Mandi Samiti, Kherwada, Behind Dak Bungalow, Kherwada, Dist. Udaipur Raj.
2. Rohit Trading Company, Through Proprietor Rohit Kumar Fadiya Age About 46 Years, Shop No. 2, Krishi Upaj Mandi Samiti, Kherwada, Behind Dak Bungalow, Kherwada, Dist. Udaipur Raj.

----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Dalchand Jain S/o Shri Pyar Chand Jain, Aged About 62 Years, Vinayakpuri, Savina, Dist. Udaipur Raj.

----Respondents

For Petitioner(s)	:	Mr. Ojas Shakdwipeeya
For Respondent(s)	:	Mr. VS Rajpurohit, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

25/03/2026

The present criminal misc. petition has been filed by the petitioner for quashing/setting aside the order dated 10.02.2026 passed by learned Special Judicial Magistrate (NI Act Cases) No.5, Udaipur in case No.39374/2023 whereby the application filed by the petitioners to cross-examine has been rejected.

Learned counsel for the petitioner submits that vide order dated 10.02.2026, his opportunity of cross-examination of complainant has been closed. He further submits that so far the dates mentioned in the order are concerned, learned trial Court has failed to observe that on 06.09.2025 complainant was not

present and on 17.10.2025, 06.11.2025 and 18.12.2025 the petitioner as well as the complainant were present but, however the Presiding Officer was on leave. On 10.02.2026, opportunity of cross-examination of the complainant was closed. He further submits that if he is not permitted, his right to fair trial would be denied and the reasons recorded by the learned trial Court does not exist.

This Court has perused the order sheets of the learned trial Court and submissions made by the counsel for the petitioner are correct as per the order sheets of the learned trial Court. In view of the same, this Court is inclined to interfere in the matter.

Accordingly, the criminal misc. petition is allowed and the order dated 10.02.2026 passed by learned Special Judicial Magistrate (NI Act Cases) No.5, Udaipur in case No.39374/2023 is quashed and set aside. The petitioner shall be granted one last opportunity to cross-examine the complainant on the next date of hearing or when the complainant is present at the cost of Rs. 1,000/-.

(BALJINDER SINGH SANDHU),J