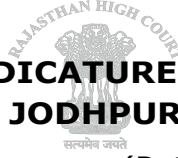




**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**



S.B. Criminal Miscellaneous (Petition) No. 3112/2026

Anish Soni S/o Vijay Prakash Soni, Aged About 37 Years, R/o B-40, Mena Bhawan, Saraswati Nagar, Jodhpur.

-----Petitioner

Versus

1. State Of Rajasthan, Thru Pp
2. Vivan Textiles, Shop No 2, First Floor, B.k Shopping Centre, Tripoliya Bazar, Jodhpur Through Proprietor Amit Gothi S/o Mangi Lal Jain, R/o Plot No 03, Jainum, Paota A Road, Jodhpur.

-----Respondents

For Petitioner(s)	:	Mr. Sampat Prajapat
For Respondent(s)	:	Ms. Sonu Manawat, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU
Order

20/04/2026

The present criminal misc. petition has been filed under Section 528 of BNSS for quashing of the order dated 27.03.2026 passed by learned Sessions Judge, Jodhpur Metropolitan, whereby the revision petition bearing No.34/2026 Anish Soni Vs. State of Rajasthan & Ors. was dismissed and the order dated 15.12.2025 passed by learned Special Judicial Magistrate No.9, Jodhpur Metropolitan was confirmed.

Learned counsel for the petitioner submits that his right to cross examination has been closed on 06.10.2025 and his application to open the same has also been rejected by the Court vide order dated 15.12.2025.

Learned counsel for the petitioner submits that the complaint pertains to the year 2024, and the examination-in-chief of the



complainant was conducted on 14.08.2025, after which only a short time was granted for cross-examination. He submits that the matter was thereafter fixed for 06.10.2025; however, no cross-examination could be conducted on that date as the petitioner was grieving the demise of his uncle and aunt, and consequently, the right to cross-examination was closed.

He submits that there existed a genuine and sufficient cause, and that the petitioner has not deliberately delayed the trial, as only three opportunities for cross-examination were granted, and on 06.10.2025, his right to cross-examine the complainant was closed. It is contended that denial of the opportunity to cross-examine the complainant would prejudice the petitioner and defeat his right to effectively present his case.

He further submits that the application seeking recall of the said order was rejected on the same grounds, and the review petition was also dismissed on 27.03.2026. Accordingly, he prays that one final opportunity be granted to the petitioner to cross-examine the complainant.

This Court has considered the arguments of the petitioner as well as gone through the order dated 15.12.2025.

It is not in dispute that chief examination has already been conducted on 14.08.2025 and cross examination was closed on 06.10.2025. In the immediate stage his Aunt and Uncle had expired the documents of which have been shown to the Court.

In such circumstance, if the petitioner is not permitted to cross-examination his case will be prejudiced and curtail his right to put his defence. In the interest of justice, one last opportunity



deserves to be given to the petitioner. This Court therefore directs the learned trial court to permit the petitioner to cross examine the complainant on the next date or as and when the complainant is present and thereafter proceed in accordance with law.

However, the petitioner shall be liable to pay a cost of Rs.2000/- to conduct cross examination.

With these observations, the present criminal misc. petition is allowed.

All pending application(s), if any, stand disposed of.

(BALJINDER SINGH SANDHU),J