

ORDER BELOW EXHIBIT NO.1229.
(CNR No. MHOS03-000396-2002)

Accused No.8 viz. Subodh Chanddayal Bhandari has filed present application and thereby submitted that, he failed to conduct cross-examination of P.W. No. 17 viz. Sunil Digambar Patil and therefore, he has prayed to set aside No Cross Order passed against him in respect of said witness and further to recall P.W. No. 17 viz. Sunil Digambar Patil for the purpose of recording of his cross-examination.

2. Prosecution has filed it's say on the backside of the application and thereby taken strong objection on the present application. It is contended that, the accused No. 8 had an opportunity to cross-examine P.W. No. 17, but he avoided to cross examine the said witnesses. It is further contended that, as the matter is time bond by the Hon'ble Supreme Court, therefore, considering the said fact, the present application is liable to be rejected. Hence, prosecution has prayed to reject the application.

3. Heard both sides. Learned Advocate Shri. R.R. Garad for accused No. 8 has argued that, an opportunity be granted to the accused to conduct cross-examination of P.W. No. 17. Per contra, the learned A.P.P. Shri. V.S. Shewalkar for State has argued that, already opportunity was given to the accused to conduct cross-examination, but at that time, he failed to avail the said opportunity. Hence, present application is not tenable at this stage.

Hence, it is liable to be rejected.

4. Perused the application and say thereon. Perused the entire record of the case. Before going into the merits of the matter, first of all it is necessary to mention here that, the present matter is of the year 2002. Further, Hon'ble Supreme Court of India in Petition(s) for Special Leave to Appeal (Cri) (Nos.)10625-10626/2024, vide its order dated 09.01.2026 has specifically directed to this Court to make an endeavor to dispose of the matter within a period of six months after framing the charges. The charge has been re-framed on 15.01.2026 and therefore, as per the directions of Hon'ble Apex Court, the present matter is required to be disposed of **on or before 15.07.2026**.

5. Now, so far as, present application is concerned, it appears that, the accused No. 8 has filed present application under Section 311 of Cr.P.C. for recalling of P.W. No. 17 viz. Sunil Digambar Patil, who was examined on 17.11.2014 vide Exh.786. It is to be noted that, in the present application, not a single ground is mentioned for not filing the application within reasonable period. It is only mention that, accused failed to conduct cross-examination of the witness and therefore seeking permission to cross-examine P.W. No. 17 by setting aside No Cross Order, dtd. 17.11.2014.

6. Perusal of record and roznama shows that, the original charge was framed against all the accused on 08.05.2014 vide Exh.641. Thereafter, prosecution examined in all 22 witnesses till 09.12.2014. P.W. No. 17 viz. Sunil Digambar Patil was examined on 17.11.2014 vide Exh.786. Further, it appears that, the accused

No. 8 moved an application for adjournment vide Exh. 785 which came to be rejected by the Court and thereafter 'No Cross Order' came to be passed against the present accused. Now, it appears that, after lapse of near about 11 years, the accused has filed present application for setting aside 'No Cross Order passed' on 17.11.2014. There is gross delay in moving the application. The most important thing is that, the accused has not mentioned any ground for the said delay. The accused has failed to explain the delay of 11 years in filing the present application.

7. In view of above discussion, it becomes clear that, as per the directions of Hon'ble Apex Court, present case is required to be disposed of on or before 15.07.2026. Further, the accused was having sufficient opportunity to move the application earlier, but he failed to do so. There is gross delay in filing the present application. The application appears to be filed intentionally in order to cause delay in the matter. Hence, in view of this, the application filed by accused No. 8 is liable to be rejected. In view of above discussion, I passed the following order.

ORDER

The application at Exh.1229 is rejected.

Date :- 06/07/2026.



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PRADNYA VASANT MEDHE
Date: 2026.07.06 18:10:05
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(Smt. Pradnya V. Medhe)

Chief Judicial Magistrate,
Osmanabad.