

**MHAH070000101991****ORDER BELOW EXH.370 IN SESSIONS CASE NO.8/2000****CNR : MHAH07-000010-1991****(The State Vs. Sanjay Yashwant Gunjal & Ors.)**

Read application and say filed on it. Heard submissions of both the parties. In earlier order dated 05.05.2022, I have already discussed the entire situation in this matter. It is the best example of delaying the proceeding from the prosecution side that to apparently on the whims of the complaint. I have already mentioned that long before in this matter when the then court was trying this case found that the original confession statement is not found in this case. Therefore, court has already passed the order permitting the prosecution to lead secondary evidence upon the existing xerox copy of the said confessional statement available in the file. Even after that the prosecution was so reluctant to lead the evidence for various reasons which were considered at the relevant time. I have already granted last chance by passing order dated 05.05.2022. I gave liberty to the prosecution to lead the evidence even through Video Conferencing method if the witness is unable to attend the court personally. Even after that the prosecution has not taken any steps to bring the presence of witness for evidence through Video Conferencing also.

2. It appeared from this application that the special prosecutor himself is under the confusions whether to lead

evidence or not because at one hand the complainant is not willing to continue him. At the another hand he is still having hope that the original confession statement would found and that can be produce without leading any evidence. This also show the confusing state of mind of the prosecution regarding the procedure and regarding the existing facts in this case. It is very difficult to understand whether prosecution is genuinely interested to lead the evidence and conclude the trial as early as possible for the justice in this case or just prolonging the matter for any other reason. The counsel for accused submitted that it is sheer injustice upon the accused to face the trial for such a long period. However, after considering the situation and the submissions of the special prosecutor that he will definitely arrange the witness on next date one more last chance is granted to the prosecution till next date. Hence, I pass following order -

**: ORDER :**

1. The application is allowed.
2. One more last chance is granted to the prosecution with directions that they should issue the special letter under their letter head intimating to the witness that he should make himself available for evidence on Video Conferencing and give pre-intimation to the court three days prior to the date fixed for evidence for any technical compliance.

Sangamner.  
Date : 30/09/2022.

**(Prashant Kulkarni)**  
Additional Sessions Judge,  
Sangamner.