

MHAH070000101991



ORDER BELOW EXH-372 IN SESSONS CASE NO.08/2000
CNR : MHAH07-000010-1991
(The State Vs. Sanjay Yashwant Gunjal & Ors.)

Many orders of adjournment have been passed in this matter. I have already observed that this case is the best example of delaying justice. It is very unfortunate that the witness to whom the prosecution is willing to examine in respect of the alleged confession which is available in this file as a secondary evidence is the judicial officer holding the higher post after his retirement. Since the matter has been transferred to this court for trial, the court has liberally considered the status of the witness and his busy scheduled while granting previous adjournments as per his convenience. However, it is experienced that the prosecution is reluctant to secure his presence on the date which has been fixed as per the convenience of the witness communicated by the concerned special prosecutor. On previous date when court has passed an order on Exh.370 on 30/09/2022, one more last chance was granted to the prosecution with directions that they should issue a special letter under their letter head intimating to the witness that he should make available himself for recording evidence on Video Conferencing and gave pre-intimation to court three days prior to the date fixed for the evidence for technical compliance. However, the office of the concerned witness has misinterpreted this conditional order an sought excuse for seeking one more adjournment. It also appeared that the concerned special prosecutor

and the complainant himself who is delaying the matter is reluctant to have a justice. Through the letter which is attached with this application the concerned witness is directing to the court the court may fix the date on 14/11/2022, however, it is not the procedure that witness should fix the date and dictate to the court. It goes wrong message to give such privilege to anybody. Therefore, considering the pre occupied memorandum of this court, the next date will be fixed on 21/11/2022 with the warning to the prosecution that the prosecution should be alert and took the necessary steps for arranging the evidence of this witness through video conferencing on the date fixed by this court.

Date : 05.11.2022.
Sangamner.

(Prashant Kulkarni)
Addl. Sessions Judge,
SANGAMNER.