

Order. (Below Ex. 01, 73 & 74)

1. In this matter, the the application Ex. 73 for transfer of this matter from this Court and the application Ex. 74 for adjournment are submitted by accused No. 2 & 1 respectively. It is submitted that accused are of opinion, that they will not get justice from this Court.
2. These two application are having background of order passed below application Ex. 72, Dt. 15-7-2022 submitted by the Ld. P P for issuing summons to three more witnesses. Said application was allowed and summons were issued and accordingly today three witnesses are present before the Court. This is a rape case. It is shocking that, after having full knowledge of this fact, that too after examination of seven witnesses by the prosecution side from 1-6-2021 to 04-07-2022, till then the defence side has no grievance against this Court and now it come up with a case that it did not get justice from this Court and wish to transfer the case from this court. It is to be noted that the D N A Report is also filed on record. On earlier date, the defence side is having full knowledge that summons were issued to witnesses and the matter being already fixed for evidence, it has to cross-examine the witnesses. Today the witnesses are present today.
3. This is a quite old case instituted in the year 2016. Up till now both accused are playing delaying tactics. This is clear cut violation of sec. 35 of POCSO Act by the accused and they are totally ignoring the mandatory provisions of POCSO Act. Now they have no faith upon the Judge and Justice. If this case is transferred to any Court, these accused may cause hindrance in order to conclude the trial.
4. Up till now both accused were succeeded in prolonging the matter and are taking undue advantage of the liberty given by the Court to them time to time and now they are not interested in trial and making allegations against the Court, which is invented and it cause no loss to the accused. On the other hand, the sexually exploited prosecutrix is kept away from justice by prolonging the matter by by such tactics of accused.
5. However, considering the allegations made by the accused, both applications are liable to be allowed. As the witnesses could not

be examined due to such tactics of defence side, each of the accused is liable to compensate the valuable court's time by paying Government cost of Rs.5,000/- and *Bhatta* of three witnesses, amounting to Rs.200/- each, totaling to Rs.600/-. Hence following order is passed.

Order.

- (1) The applications Ex. 73 & 74 are allowed.
- (2) Accused Nos. 1 & 2 are directed to pay Government cost of Rs.5,000/- each and witness Bhatta of three witnesses, amounting to Rs.600/- each and deposit the same in the Court.

Dt. 30-07-2022.

(V D Pimpalkar),
Extra Joint District Judge &
Addl. Sessions Judge, Akola.

<u>AFFIRMATION</u>			
I affirm that the contents of this P. D. F. are in verbatim as per original order.			
1	Name of the Steno	:	V V Autkar,
2	Court Name	:	Extra Jt. District Judge and Addl. Sessions Judge, Akola
3	Date	:	30-07-2022.
4	Signed by PO. on	:	30-07-2022.
5	Uploaded on	:	01-08-2022.