



SCC No. 1053/2023
State Vs. Rajkumar
Waman Wankhade
MHAK060026112023

ORDER
(Below Exh. 33)
(Passed on 12th of November, 2025)

This is an application u/s. 348 of BNSS for recalling of prosecution witness Vinod Sampat Wankhade examined as PW-3 at Exh. 27 on 19.09.2025.

2. It is submitted that accused has appointed new counsel on last date. Some new facts have come on record through the testimony of aforesaid PW-3. Therefore, he needs to be cross-examined thoroughly. That unless the said witness is recalled, the accused will suffer grave prejudice and it would amount to denial of fair trial. Hence, it is prayed to allow the application.

3. As against such, ld. APP for the State, strongly opposed the application contending that already accused has given opportunity to cross-examine the witness. Therefore, the application is not tenable. It is filed to protract the trial. Hence, it is prayed to reject the application.

4. Heard both the sides. Perused the application, Say and documents on record. Considered the submissions.

5. Record shows that the accused is alleged to have committed offence punishable u/s. 337, 504, 506 r/w 34 of IPC.

The witness prayed to be recalled is examined as PW-3 below Exh. 27. On the same day, Id. Advocate S.R. Khokhale has availed the opportunity of cross-examination of the witness on behalf of both the accused and completed the cross-examination on the same day. The accused now wished to recall the witness to cross-examine him thoroughly with regard to some new facts brought on record by the witness. I carefully gone through the examination-in-chief of PW-3. It reveals that no new facts are introduced by the witness. Even if for the sake of argument it is accepted that some new facts are brought on record to the mouth of the witness, still, it cannot be said to be subject of re-cross-examination as it will amount to either exaggerations and improvement. As per settled law, witness can be recalled only if the Court finds that recalling is necessary for just decision of the case. The accused has already given fullest opportunity to cross-examine the witness. Merely because new Advocate is appointed and he wants to cross-examine the witness already cross-examined cannot be ground to entertain the application u/s. 348 of BNSS. In the result I pass the following order ;

ORDER

The application (Exh. 33) stands rejected.

Sd/-

(A.A. Mali)

Judicial Magistrate (First Class),
(Court No. 2) Akot, Tq. Akot,
Dist. Akola.

Date : 12.11.2025

Place : Akot.

**SCC No. 1053/2023
Order/Exh. 33**

CERTIFICATE

I affirm that the contents of this P.D.F file Order are same word to word as per the original order.

Name of Stenographer : P. N. DURATKAR
Court Name : 2nd Jt Civil Judge
(Jr.Dn.) & JMFC,
Akot, Tq. Akot,
Dist. Akola
Date of decision : 12/11/2025.
Order Signed by P.O on : 12/11/2025.
Order Uploaded on : 14/11/2025.