

ORDER BELOW EXH.1 IN RCC NO. 40/2009
(State vs. Gajanan and Others)

In the present matter the prosecution examined ten witnesses and on 08.09.2025 as the police fail to secure the presence of witness D. A. Rathod, the evidence of prosecution was closed and after recording the statement of accused under section 313 of Cr.PC, final arguments were also heard. However, on going through the record it appears that no steps were taken to secure the presence of Investigating Officer A. S. Chaudhari. The matter pertains the offence fabrication of revenue record and cheating. In my opinion the testimony of Investigating Officer A. S. Chaudhari is material and proceeding without his testimony would not be in the interest of justice. Section 311 of Cr.PC. Confers wide powers upon this court to examine or summon or recall any witness which is essential for the just decision of the case. Even though on last date the arguments in the matter have been heard, the examination of investigating officer is necessary. Therefore, by invoking the power under section 311 of Cr.PC., the evidence of prosecution is again opened and Ld. APP is directed to take necessary steps to secure the presence of investigating officer A. S. Chaudhari. Therefore, I pass following order.

ORDER

1. Evidence of prosecution is opened.
2. Ld. APP is directed to take necessary steps to secure the presence of investigating officer A. S. Chaudhari.

Chandur Bazar
Date:- 24.04.2026

(M. M. Raut)
Judicial Magistrate First Class,
(Court No.1), Chandur Bazar