

MHAU040004792022



COMMON ORDER BELOW EXHS.17, 18 & 19 IN SPECIAL CASE NO.24/2022

The State Vs. Rahul

1] Today the accused has moved the applications for personal exemption, adjournment and production of documents vide exhs.17, 18 and 19.

2] Accused has sought exemption, adjournment and production of certain documents *inter-alia* prayed to adjourn the case since the accused is hospitalized due to accident. The adjournment is sought by the learned counsel of accused on the ground that, the accused is not present and hence, he is unable to conduct cross-examination of the witness.

3] The learned counsel of accused prayed to adjourn the case on the aforesaid ground. Perused record and proceeding. The record demonstrates that, on last date also the accused had sought adornment on one or the other ground. The witness submitted that, she was present twice in the Court but, the case is adjourned. Considering these facts it appears that, the accused had instructed the learned counsel about the facts of the case therefore, it is not that the case that new advocate had appeared hence, he cannot conduct the cross-examination. The learned counsel for accused is appearing since beginning on behalf of the accused. Thus, he ground on which the adjournment is sought is not justified. Witness was present twice

but, it was adjourned for one or the other ground. I am not inclined to grant adjournment Hence, it deserves to be rejected.

4] So far as exemption and production of document is concerned, the same can be granted, as the accused has sought exemption on medical ground. Hence, the exemption is allowed and production is also allowed but, the adjournment is rejected. Consequently, application exhs.17 and 19 are allowed and application exh.18 stands rejected. Consequently no cross-examination order is passed against the accused.

(Smt.S.K. Upadhyay)
Additional Sessions Judge,
Vaijapur.

Date : 06.05.2025