

Special Case No. 24/2022
State of Maharashtra Vs. Rahul Ashok Tribhuvan

Order below Exh.25
(Date : 01.12.2025)

1. Accused moved this application for setting aside no cross order passed against him.
2. It is alleged by the accused that he has moved this application that he will not be able to remain present due to his accident and hence adjournment was sought but the adjournment was rejected. But the accused is ready to cross-examine the witness and if the opportunity of cross-examination is not granted it will cause prejudice to accused. Hence, it is prayed to allow the application.
3. The application is strongly opposed by learned APP on the ground that inspite the application is rejected accused failed to cross examination the witness. The application is devoid in merit. With this, it is prayed to reject the application.
4. Having heard both counsel, having heard submissions. Admittedly the adjournment is rejected on ground that the accused has adjourned matter twice. It is mandate of law the nature of prosecution, accused is charged is required to be completed within one year. Thus, the accused failed to complete the cross-examination inspite his adjournment is rejected which has caused delay in completion of trial. It appears from record that the witness was examined on 06.05.2025 and the application is moved on 17.11.2025 after five months which has caused delay in the trial of the case and hence the mandate of law for trial of case could not be achieved. The

reason for filing the application belatedly is also not made out. It appears that due to delay caused by accused already five months are lapsed. Hence, considering the conduct of accused, the application can be allowed as a last chance in order to give fair chance to accused to put-forth his defence. Accordingly, I proceed pass the following order -

ORDER

1. Application is allowed subject to condition to pay witness Bhatta of Rs.10,000/- to the witness PW1 on next date.
2. The accused will not sought adjournment in trial of the case on the ground of exemption.
3. Re-issue summons to PW-1 accordingly.

Date : 01.12.2025

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