

MHAU040016862024



ORDER BELOW EXH.1 IN SESSIONS CASE NO. 103/2024

The State Vs. Arun & ors.

1] Today the matter is fixed for cross-examination of PW1. Two witnesses are present since 11.00 a.m. but, neither the counsel of accused appeared nor he conducted the cross-examination. The another counsel Shri Jejurkar appearing on behalf of accused filed purshis vide Exh.68 that, the counsel of accused is ready to cross examine the witness in the second session. The Court is waiting for the counsel since morning 11.00 a.m. and the purshis is filed at 1.30 p.m. intimating the Court that, the counsel will appear and conduct the cross-examination.

2] It is necessary to mention that, the present case is made time bound by Hon'ble Supreme Court for recording the statement of eye witnesses within six months from the date of receipt of the order. Accordingly, the date was taken by the learned counsel of the accused as per his convenience with assurance that, on the next date positively he will appear at 11.00 a.m. and will conduct the cross-examination. But, again the learned counsel remained absent.

3] It is admitted position on record that, the no cross order was already passed against accused in respect of PW1 but, in order to give fair opportunity one last chance was granted with specific direction that they will comply the directions of Hon'ble Supreme Court as well

as this Court and will cross examine the witnesses punctually without fail on next date.

4] It appears from the record that, though the Court has directed to keep the matter after every 3 to 4 days but, the learned counsel assured that he will complete the cross-examination and hence, as per his convenience the dates were given with direction to complete the cross-examination of the witnesses positively on the fixed dates. In spite of this neither the counsel appeared till 3.45 p.m. nor any application is filed. The witnesses are present since morning. They submitted that, they have only last ST bus to go to their village at 3.00 p.m and since morning they are waiting.

5] Even the witnesses are attending the Court from last three dates. Till today Bhatta of witness is not paid by accused. On last date also the learned counsel of accused has sought adjournment on medical ground. It was granted considering the illness of the counsel but, in spite of taking date of his choice neither the counsel appeared nor conducted the cross-examination. Hence, considering the facts and circumstances on record, it is necessary to pass no cross examination order against the accused. In view of above back drop I proceed to pass following order :-

ORDER

No cross-examination order in respect of PW1 is passed against the accused.

Date: 20.08.2025

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