

MHAU170006942025



Session Case No. 135 of 2025
State of Maharashtra Vs.
Shahajan Chhotumiya Shaha.

ORDER BELOW EXH.85

01. This is an application under-section 311 of the Code of Criminal Procedure (corresponding to section 348 of BNSS) by the prosecution for recalling PW No.8.

02. The learned counsel for accused has strongly opposed the application by filing his reply overleaf the application.

03. Heard the learned APP for the State and learned counsel for the accused. Perused the application and the reply. The learned counsel for the accused has opposed the application only on the ground that sufficient opportunity has already been granted to the prosecution as the prosecution itself closed the evidence by filing Pursis on 07.02.2025. It is true that the learned APP furnished evidence close Pursis Exh. 78 on 07.02.2025. However, this Pursis itself shows that the then learned APP relies upon the reply of the medical officer in respect of weapon and CDR and SDR, which were not produced on record at the time of filing of the said Pursis. By the present application, the learned APP wants to bring the said reply and the CDR and SDR on record by recalling PW 8, who is the investigating officer. These documents, in my view, are necessary for the just decision of the case and for the purpose of bringing on record the said documents, PW 8 needs to be recalled. No prejudice would cause to the

accused, if PW 8 is recalled, as the accused will have an opportunity to cross-examine PW 8. Hence, I pass following order:

ORDER

- 01- Application Exh.85 is allowed.
- 02- PW No. 8 i.e. Bhagwat Tikaram Nagargoje be recalled by issuing witness summon.

Date: 05.06.2025

(R.D.Gadwe)
Additional Sessions Judge, Paithan

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 the Stenographer : Balu Ashruba Age

Court Name : District Judge 1, Paithan

Date : 05-06-2025

Order signed by the

Presiding Officer on : 05-06-2025

Order uploaded on : 05-06-2025