

**ORDER BELOW EXH. 44**  
(Passed on 02/06/2026)

1. This application is made by Ld. APP praying to set-aside the order of closing prosecution's evidence passed below Exh. 01 dated 07/05/2026.
2. Perused the application and say given by Ld. Advocate for the accused persons. Heard respective parties.
3. Ld. APP has submitted that, the prosecution has only examined the informant and spot panch. Seizure panch witness and Investigation Officer has not been examined by the prosecution. Their testimony is very essential for the case of prosecution. Hence she prayed to allow the application by setting aside the order passed on **Exh.01** dated 07/05/2026.
4. Ld. Advocate K. V. Shende for the accused persons has submitted that, this application is made with an intention to fill up the lacuna in prosecution's case. The prosecution has failed to secure the presence of it's witnesses. Hence this application is liable to be rejected.
5. Considered the submissions. It is in the purview of the

prosecution to examine number of witnesses in order to prove their case. On perusal of record it is seen that, only two witnesses have been examined. Seizure panch and Investigation Officer has not been examined yet. This application appears to be made by the prosecution to prove their case hence it does not seems that, the prosecution is intending to fill lacuna in their case. This court is of the view that, full opportunity shall be given to the prosecution to prove their case. Therefore this application deserves to be allowed. Hence I pass the following order :-

**ORDER**

1. The order dated 07/05/2026 passed below Exh.01 is hereby set-aside.
2. Summons be issued to Seizure Panchas and Investigation Officers returnable on **24/06/2026**.

Pauni.  
Date : 02/06/2026.

Sd/-  
**(V. R. Farkunde)**  
J.M.F.C. (Court No. 2),  
**Pauni.**

## CERTIFICATE

I affirm that the contents of this P.D.F. file are same word for word as per original.

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|-------------------------|---|-----------------------------------------------------|
| Name of the Court       | : | Shri. V. R. Farkunde, J.M.F.C. (Court No.2), Pauni. |
| Name of the Steno       | : | Rohini Rajendra Kumbhalkar, Steno (Grade-3).        |
| Order date              | : | 02/06/2026                                          |
| Order signed by P.O. on | : | 02/06/2026                                          |
| Order uploaded on       | : | 02/06/2026                                          |

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