

ORDER PASSED BELOW Ex.1020 IN SESSIONS CASE No.
103/2018
(State V/s. Bajirao Sajan Pawar etc.-13)

01. Read the application and say filed by prosecution. Heard both sides at length. Gone through the cited judgments relied upon by the learned PP

02. In **State of Maharashtra V/s. Dayanand Tukaram Raut and others, 1998 CRI. L. J. 1333 (Hon'ble Bombay High Court)** the trial was not commenced and the property involved was movable one. It is held by Hon'ble High Court of Bombay that Section 310 of the Cr. P. C. is an enabling provision which empowers the Court to have local inspection of the property particularly immovable property which cannot be brought before the Court and the object of the same is to enable the Court to appreciate properly the evidence led before it. It cannot be used to prove or disprove the case either by prosecution or defense. In **Keisam Kumar Singh and another V/s. State of Manipur, (1985) 3 Supreme Court Cases 676**, the Hon'ble Supreme Court has observed that normally a Court is not entitled to make a local inspection and even if such an inspection is made, it can never take the place of evidence or proof but is really meant for appreciating the position at the spot. In **Boya Kothi Lakshmana (A-13) and Another V/s. The State of A. P. and Another, (2014) 1 ALD (Cri) 711**, sufficient evidence was brought on record giving the topographical features of the venue of the offense, and

it was observed that the spot of incident which is a road might have been subjected several changes with the passage of five years period. In **State of Uttar Pradesh V/s. Het Ram & Ors, 1976 AIR 2124**, a different place unconnected with the time of the alleged incident was visited by the judges for the purposes of deciding whether the witnesses could identify the assailants in the darkness and therefore, it was held illegal by the Hon'ble High Court of Allahabad.

03. In the case in hand, the evidence of prosecution and defense is already completed. The alleged incident occurred on 08/06/2018 i.e. before 7 years. Therefore, the alleged spot of incident might have subjected to substantial changes. There is no immovable property involved in the present case that requires local inspection for the purpose of effective adjudication of the case. Further, the defense availed ample opportunity to cross-examine the prosecution witnesses at length in respect of the spot of incident. Thus, there is absolutely no requirement to have local inspection of the spot of incident. It appears that defense has filed a present application only with the intention to delay the matter. In the result, I pass following order.

ORDER

Application is rejected.

Dhule
Date : 04/10/2025

(Jayshri R. Pulate)
Additional Sessions Judge,
Dhule

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I certify that the contents of this PDF File are word to word as per original Judgment/Order.

Name of the Steno : Pravin R. Pande
Name of the Court : Addl. Sessions Judge, Dhule
Judgment delivered on : 04/10/2025
Judgment signed by P.O. : 04/10/2025
PDF Uploading Date : 09/10/2025
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