



IN THE COURT OF DISTRICT JUDGE-1, & ASJ, GONDIA.

SESSIONS TRIAL NO. 71/2020.

(CNR NO.MHGO010007262020)

STATE, PSO, RAMNAGAR -VS- ANKIT BIRANWAR+3

ORDER BELOW EXH. 338.

(Passed on this 06th day of October, 2025)

Seen application.

2. Applicants/accused Nos. 1, 2 & 4 have filed this application under Sec. 311 of Cr.P.C, 1973.
3. Advocate for applicants has also filed written notes of argument and that contents of the said written notes is in the nature of replica of the said application. The said written notes of argument are signed by advocate Shri V. R. Rahangdale.
4. On careful perusal of application depicts that in application itself in para No. 3, applicants are reproduced para from the authority of ***Beem Singh -Vs- State of U.P, 2022 SCC Online All 40.*** Further, certain paragraph from the

authority of *Ram Jeet -Vs- State of U.P., AIR 1958 ALL 349* are also reproduced. Lastly, in para No.4, applicants have reproduced certain paragraph from the authority of *Farid Ahmad Tak -Vs- UT of J & K & Ors, reported in 2023 LiveLaw (JKL) 72*. In para No.4 of the application at hand applicants have relied upon case of *Rajaram Prasad -Vs- State of Bihar, (2013)*.

5. In reply, learned DGP has contended that the prosecution has examined in all 33 witnesses. It can be seen that advocate for accused persons have cross-examined the witnesses. As such, according to the prosecution, application at hand is devoid of any substance and that the same deserves to be rejected.

6. Perusal of application at hand clearly depicts that, applicants have restricted their prayer to the extent that the informant be recalled under Sec. 311 of Cr.P.C. Here, it has to be noted that the informant Komal Katare is examined vide Exh.40 on 21/02/2022 and that advocate for accused persons have cross-examined the said informant (PW-1) at length. Therefore, I see no reason to recall the informant (PW-1) again in the instant case. That apart, the the matter at hand is old and that there is direction given by Hon'ble Bombay High

Court regarding time bound decision of this case. Therefore, application at hand deserves to be rejected. Hence, the following order.

ORDER

Application [Exh.338] is hereby rejected.

Gondia.
Dated: 06.10.2025.

(A. S. Pratinidhi)
District Judge-1 & ASJ,
Gondia.

Dictated and transcribed on dais computer	:	06/10/2025
Checked by the Judge	:	06/10/2025
Finally printed and signed by the Judge	:	06/10/2025