



SUMMARY CRIMINAL CASE NO. 303/2015
(Ajit Ghatage - Vs. - Vaibhav Pathak)
ORDER BELOW EXH. 63

Perused application and say. Also perused record and proceeding. Heard learned advocates for both the sides.

02. Complainant is intending to examine the eye witness of alleged transaction between him and accused, and for that purpose want to examine the person whose name is not specifically mentioned in the complaint. On query, it is submitted by learned advocate for complainant that although the name of said person is not specifically mentioned in the complaint, there is specific mention about the alleged nature of transaction between the parties in presence of third person. He also urged that the examination of said witness is necessary for just decision of the case and can be so ordered as per provisions of Section 311 of The Code of Criminal Procedure.

03. I have carefully considered the submissions on record. If the permission is so granted, no prejudice will be caused to the accused, moreover, he can have the liberty to cross-examine said witness on the alleged transaction. Per contra, if such permission is rejected, complainant may not have fullest opportunity to discharge the burden cast on him. As a result, I am of the view that application deserves to be allowed. The complainant to act upon accordingly.

(Anand D. Karbhajan)

Place - Jaysingpur.
Date - 12/07/2023

Judicial Magistrate First Class,
Jaysingpur, Tal. Shirol, Dist. Kolhapur.

