


MHKO130009172016 	<b><u>ORDER BELOW EXH. 89 IN Regular Criminal Case No. 03/2017</u></b> <b>State of Maharashtra Vs. Sagar Sadashiv Devadkar.</b>
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1. The present application is filed by the prosecution for setting aside the order of closure of evidence of the prosecution & for issuance of witness summons to Suraj Kamble, Krushnat Gondhale, Satish Hirugade, Dattatray Nikam & Investigating Officer.
2. Perused the application & say filed by the accused. Heard both the sides. Perused the record of the case.
3. On perusal of the record it appears that, prosecution has examined total 08 witnesses. Moreover, the last witness was examined on 22/08/2022. Vide order dated 09/06/2023, my learned predecessor vide detailed order closed the evidence of the prosecution. Thereafter, the statement of the accused vide section 313 is recorded by my learned predecessor on 21/07/2023.
4. On perusal of the record it appears that, the matter is more than 06 years old. Since 22/08/2022 the matter is posted for evidence of the Investigating Officer & other witnesses if any. Sufficient opportunity has been given to the prosecution to secure the presence of these witnesses. In fact, it also appears that, the learned A.P.P. has taken several steps by issuingailable & non-ailable warrants against the Investigating Officer for securing his presence. More importantly, on perusal of record it appears that from time to timeailable warrant has been issued against the witness Krushnath Gondhali, Yogesh

Kamble. In spite of that prosecution has failed to secure their presence. Moreover, summons report of witness Suraj Kamble reveals that he is not traceable on the given address. Record also reveals that my learned predecessor has sent the letter on 28/03/2023, 12/05/2023 to the concerned police station regarding the execution of N.B.W. issued against investigating officer by appointing special constable. Record depicts that from time to time sufficient time & opportunity has been given to the prosecution for securing the presence of the witnesses and for recording the evidence of the witnesses.

5. It is surprising to note that, through the present application learned APP for the State has submitted that due to oversight the evidence of the prosecution has been closed and it is mentioned in the rozanama. It is also submitted that till the filing of the application it does not appear on Exh. 1 the order regarding closure of evidence of the prosecution. Moreover, on perusal of the record it appears that my learned predecessor has passed the detailed order below Exh. 1 on 09/06/2023.

6. Considering all these aspects, time consumed for trial, sufficient opportunity given to the prosecution, in the interest of justice application is deserved to be rejected. Hence, I proceed to pass the following order:-

**ORDER**

Application at (Exh. 89) is rejected.

Kagal.  
Date : 24/10/2024

( **Pranita. S. Patil** )  
J.M.F.C. 2<sup>nd</sup> Court Kagal.