

MHKO160008342023



Order below Exh. 72 in R.C.C. No.111/2023

Read the application and say of learned advocate for accused at Exh.No.72. Learned A.P.P. has filed this application u/s. 311 of Cr.P.C. for recalling the witness Ganpati Shirpati Patil. Learned A.P.P. submitted that Ganpati Patil is eye witness to the present crime and inadvertently his testimony is not recorded by the prosecution. Therefore, it is necessary to recall the witness Ganpati Patil. Learned Advocate for accused opposed this application and requested to reject this application. It appears from record that summons were issued to the witness but he failed to appear before Court, therefore, prosecution evidence was closed on 23/06/2025. Statements of accused are recorded under Sec. 313 of Cr.P.C. Prosecution took various adjournment for argument and now prosecution filed present application. As per Section 311 of Cr.P.C., this court is vested with the power of recall and re-examine any witnesses for just decision of the case. In this case, prosecution is about to examine eye witness. Accused has an opportunity to cross-examine eye witness. Prosecution and accused has ample opportunity to brought on record the evidence of incidence. No prejudice will be caused to the accused. Hence, in interest of justice present application is allowed.

**Place : Shahuwadi Malkapur.
Date: 30/09/2025.**

**(S.D.Bagal)
Judicial Magistrat First Class,
Shahuwadi Malkapur.**