CNR: MHLA01-000707-2018.
Sessions Case No.13/2018.
State -Versus- Soudagar.

ORDER BELOW EXH.117.

1. Present application has been filed on behalf of prosecution, wherein it is prayed that permission be granted to take further examination-in-chief of witness. It is mentioned that examination-in-chief of witness PW-6 i.e. informant has been completed and matter is posted for her cross-examination, which is yet not started. Inadvertently, the report was not confronted to the informant, PW-6 and it has not been exhibited. Therefore, further chief of informant is necessary.

2. Say on behalf of accused is filed to the application, wherein it is submitted that prosecution examined witness on 04.03.2024. Thereafter, no re-examination has been conducted of the witness. The prosecution is intending to patch up the lacuna. At this stage, further chief cannot be allowed to be taken, when there is no re-examination. Therefore, it is prayed to reject the application.

3. Re-examination of the witness may be permitted as per Section 138 of Indian Evidence Act, to the explanation of the matter referred to in cross-examination. By way of present application, the prosecution is not seeking re-examination of the witness, and it is sought to allow to conduct further examination-in-chief of the witness, who is informant, in order to prove the report, which has been lodged by the witness PW-6. If the

prosecution is not permitted to conduct further examination-in-chief of witness, PW-6, who is informant and as per whose narration the report was lodged and crime was registered, the case of prosecution does not stand. At the same time, it cannot be ignored that prosecution has to take utmost care at the time of conducting their case and while conducting examination-in-chief of any of the witnesses by whose evidence prosecution prove their case. It is mentioned in the application Exh.117 by way of stereotype contention that inadvertently it remained to confront the report to the informant, which is highly inexcusable. For fair chance to the informant, the application is required to be allowed and cost of Rs.300/- is just to be imposed to the informant. In the result, following order :-

O R D E R

1. Application Exh.117 is allowed, subject to cost of Rs.300/- to payable by informant to D.L.S.A., Latur.

2. Prosecution is allowed to conduct further examination-in-chief of witness, PW-6, informant only to the extent of confronting report lodged by her.

DISTRICT COURTS MAHARASHTRA
सत्यमेव जयते
Digitally signed by KADAM RAGINI MANIKRAO
Date: 2024.09.06 15:45:14 +0530

(Smt. R.M. Kadam)
Additional Sessions Judge - 4, Latur.

Date : 06.09.2024.