

MHND010012122023



IN THE COURT OF SESSIONS, AT NANDED

ORDER BELOW EXH.220

IN

SESSION CASE NO.65 OF 2023
(CNR No.:MHND010012122023)

IN

(C.R. NO:04/2023 OF LIMBGAON POLICE STATION)

The State of Maharashtra

(At the instance of Limbgaon Police Station)

... Prosecution

V/s.

Janardhan Limbaji Jogdand and others.

... Accused

Appearance:-

Ld. DGP Mr. R.N. Deshmukh for State.

Ld. Advocate Mr. P.N. Shinde for accused Nos. 1, 2 , 4 & 5

Ld. Advocate Mr. Hande for accused No. 3.

CORAM : H.H. ADDITIONAL SESSIONS JUDGE
SHRI. T. T. AGLAWE (C.R.NO.06)

Date : 10th August, 2026.

:: ORDER BELOW EXH.220 :: -

The prosecutor has filed present application under Section 311 Cr.PC praying for witness summons against Scientific officer, Regional FSL, Nanded with direction to bring all records of letter

bearing O.W No. 2935/2025 in respect of crime No. 15/2023, Limbgaon police station.

2. Perused application. Defence Advocates have not filed any reply to the application.

3. Heard learned Additional P. P. and learned Advocate Mr. Shinde and Mr. Hande.

4. It is contended in the application that, the I.O has seized three mobile phones during investigation, one of deceased, one of accused and one of witness. The seized mobile phones were sent to FSL for analysis. Accordingly, the FSL analyzed the mobile phones and sent the report alongwith pen drive. The data retrieved from mobile phones including videos, audio clips, photos, conversation chats are copied on pen drive. It is a material piece of evidence. Therefore, the evidence of Scientific Officer is to be recorded for just decision of the case.

5. Learned DGP has argued that, the report of FSL regarding three mobile phones seized during investigation is on record. The expert has retrieved the data and copied it on the pen drive. Therefore, it is necessary to record the evidence of expert. No prejudice will be caused to the accused as they have opportunity of cross examination.

6. On the other hand, defence Advocates have strongly opposed the application stating that, the expert is not listed as witness in the charge-sheet. The report of expert is already before the Court. Therefore, calling the witness expert is not necessary. The accused are behind bar for last 04 years. Prosecution has already examined 23

witnesses including I.O. The prosecutor has filed one application under section 311 Cr.PC previously also. The prosecutor cannot go on filing application for issuing witness summons as per his whims. There is a procedure which shall not cause prejudice to accused. Learned Advocates therefore urged to reject the application.

7. Perused record.

8. Prosecution has examined in all 23 witnesses. The prosecution has already examined the Investigating Officer who seized and sealed the muddemal, particularly the mobile phones. Those mobile phones were sent to FSL during investigation. The report of expert was received. It is stated that the Scientific Assistant, has retrieved the data from mobile phones including conversation chats and copied them on pen drive.

9. Accused are facing trial for offence punishable under Section 302, 201, 120(B) r/w/s 34 of the Indian Penal Code, 1860. The offence is serious. According to the learned APP by way of present application he is trying to bring best possible evidence on record. In the facts and circumstances, the evidence of witness sought to be examined appears to be essential to the just decision of the case. Though the expert is not cited as witness in the charge-sheet, he is the person who examined the mobile phones during investigation and then submitted his report. Therefore, there is no legal impediment to examine this witness when he is not listed in the charge-sheet. Thus, present application deserves to be allowed for fair trial and just decision of the case. Hence, the following Order :-

ORDER

1. Application is allowed.
2. Issue Witness Summons as prayed vide section 311 Cr.PC.
3. Accordingly Application Exh.220 is disposed off.

(Dictated and pronounced in open Court.)

Date :- 10-08-2026.

**(T. T. Aglawe)
Additional Sessions Judge,
Nanded.**

CERTIFICATE

I affirm that the contents of this PDF file order are same, word to word, as per the original order.

Name of stenographer	Y.S. Kausadikar, Grade-1
Name of Court	District Judge-1 & Addl. Sessions Judge, Nanded.
Date of Dictation	10.08.2026
Order signed by the P.O on	10.08.2026
Order uploaded on	10.08.2026

Visit **ecourts.gov.in** for updates or download mobile app “**eCourts Services**” from Android or iOS

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”	
Date : 11.02.2026 Time : 05.21 p.m. UPLOAD DATE AND TIME	Mr. B. S. Pandit (Stenographer Grade-I) NAME OF STENOGRAPHER
Name of the Judge (with Court room no.)	HHJ Shri. T. T. Aglawe Court Room No.6
Date of Pronouncement of JUDGMENT/ORDER	10.02.2026
JUDGMENT/ORDER signed by PO. on	11.02.2026
JUDGMENT/ORDER uploaded on	11.02.2026