

**Sessions Case No. 69 of 2020**

The State of Maharashtra

**Vs.**

Vinod kumar Girdharilal Mittal

**Order below Exh.1**

Since the offence under section 353 of the Indian Penal Code, is triable exclusively by the Court of Sessions, the learned J.M.F.C., Malegaon, committed the case to this Court. Prior to committing the case, the learned J.M.F.C., had recorded plea of the accused and also recorded evidence of four prosecution witnesses.

[2] Thereafter, on 25.04.2023 fresh charge has been framed against the accused. Thereafter, the learned APP has produced on record pursis (Exh.7) and thereby made it clear that he has no objection to consider the evidence of four witnesses recorded by the learned J.M.F.C., in this trial also.

[3] Today, two witnesses namely; Hemant Namdev Savkar and Rajendra Kashinath Baviskar,

employees of Malegaon Municipal Corporation, are present before the Court for recoding their evidence. At this juncture, learned Advocate Shri. S.V. Agrawal submitted that he has to obtain certified copies of the depositions of earlier four prosecution witnesses. Thereafter, he will be in a position to say as to whether the said evidence is to be accepted or not.

[4] In the circumstances, unless it is made clear that evidence of earlier four witnesses recorded by the learned J.M.F.C., is to be accepted in this trial, it would not be just and proper to record evidence further prosecution witnesses. Therefore, two witnesses by name; Hemant Namdev Savkar and Rajendra Kashinath Baviskar, are hereby discharged. They will be called later on, if required. Hearing of the case is adjourned till **18.07.2023**.

**(S.B. Bahalkar)**

Additional Sessions Judge,  
Malegaon.

Date – 16.06.2023