

MHPA010028662018



IN THE COURT OF ADDITIONAL SESSIONS JUDGE, PARBHANI.

(Presided over by G.G.Bharne)

Special Case (ACB)No. 18/2018

State Vs. Baburao Sonawne.

Order below application Exh.72.

This application is filed by Ld. APP Mr. A.N.Giram under Section 348 of BNSS (Section 311 of Cr.PC.). It is contention of the Ld. APP that the complainant Babasaheb Kadam in his evidence and in the written complaint Exh.29 has mentioned that the accused through his peon Rushikesh Kadam made illegal demand of Rs.1,200/-. Therefore, it is necessary to examine witness Rushikesh Munjabhau Kadam. He prayed to issue summons to the witness Rushikesh.

02. Resisting the application Ld. Adv. Mr. C.R. Deshmukh on behalf of the accused has submitted that already statement of the accused is recorded under Section 313 of Cr.PC. and the case was fixed for final argument. Therefore, the application be rejected. He submitted that the witness is not peon of the office of the accused. In the complaint Exh.29 name of witness Rushikesh Munjabhau Kadam has been mentioned and it has alleged that the accused made demand of Rs.1,200/- to Rushikesh. In views of the aforesaid facts it reveals that opportunity needs to be given to the prosecution to examine the witness though the evidence of prosecution is closed.

03. Section 348 of BNSS provides that

“348. Power to summon material witness, or examine person present.—Any Court may, at any stage of any inquiry, trial or other proceeding under this Sanhita, summon any person as a witness, or examine any person in attendance, though not summoned as a witness, or re-call and re-examine any person already examined; and the Court shall summon and examine or re-call and re-examine any such person if his evidence appears to it to be essential to the just decision of the case”.

04. It appears that for just decision of the case examination of the witness is required. In the result, I pass the following order.

O r d e r.

1	The application is allowed.
2	Issue summons to the witness.
3	As such the application is disposed of.

Date : 09.03.2026.

(Gautam G. Bharne)
Additional Sessions Judge,
Parbhani.