

	SCC 11/2019
	State Bank of India Shirur Branch Vs. Dashrath Shivram Shelke
	CNR No.MHPU200000062019

ORDER BELOW EXH.32

(passed on 17/12/2021)

Perused the application and say. Heard both advocates. The accused has sought the permission of examined himself as a competent witness in view of Sec.315 of the Code of Criminal Procedure (hereinafter Cr.PC). According to the accused, the complainant has examined only one witness and which is not sufficient. According to him, he is competent witness in the present case. The complainant opposed this application on the ground that this application is filed at pre-mature stage. According to the complainant, accused have every right to give evidence after recording of the statement under Sec.313 as Cr.PC. I consider submission of both advocates. Sec.315 of the Cr.PC states about an opportunity to the accused to represent as a competent witness in the criminal trial to give an evidence against the charge-sheet framed against him. However, in the present matter the statement of the accused under Sec.313 of the Cr.PC is not recorded. No doubt accused have every right to give evidence in support of his evidence. However, the same can be considered after putting the incriminating evidence as per Sec.313 of the Cr.PC. Thus, I am of the opinion that this application is filed on pre-mature stage. Thus, the application is not tenable at this stage. Hence, it is disposed of.

Place – Ghodnadi-Shirur
Date-17/12/2021

(V. V. Kulkarni)
Judicial Magistrate First Class
Ghodnadi-Shirur, Dist. Pune

CERTIFICATE

I affirms that the contents of this P.D.F. file order are same word for word as per original order -

Name of the Court	:-	(V. V. Kulkarni, Judicial Magistrate First Class, Ghodnadi (Shirur))
Name of the Steno	:-	Kapil J. Kapare
Date of Order	:-	17/12/2021
Order signed by presiding officer	:-	17/12/2021
Order uploaded on	:-	17/12/2021