

MHPU250003632015



R.C.C./2000066/2015

State of Maharashtra Vs. Sachin Nilkanth Kshirsagar

ORDER BELOW EXHIBIT NO.42

Passed On 23/07/2026

01. This is an application under Section 311 of the Criminal Procedure Code (Cr. P.C.). As per the prosecution the Court has closed the evidence by order below Exh. 1 of dated 12.03.2026. The offence is serious. Therefore, for the proper adjudication, examination of material witnesses is required. Address of some witnesses did not found. Some witnesses did not appear due to some unavoidable reasons. Now, the prosecution has traced out the correct addresses of the witnesses. Hence, this application.

02. The application is opposed by the accused. He contended that, the prosecution examined panch witness. He did not stated anything against accused No.2. The Court has waited for the witnesses for 15 years. Thereafter, the evidence has been closed. The application is filed only to harass accused No.2. He prayed to reject the application.

03. Mr. M. S. Ghodke for the prosecution argued that, the evidence of all witnesses is necessary for proper adjudication

of the trial. The prosecution is ready to secure presence of the witnesses. Mr. R. G. Bhagat advocate for the accused argued that, the application is not tenable. The reason as to on what point the prosecution requires to examined the witnesses is not mentioned in the application. The prosecution had opportunity for 10 years. There is no evidence against accused No.2. He prayed to reject the application.

04. Perused the record. The accused is chargesheeted for the offence punishable under Section 409 of the Indian Penal Code (IPC). It is alleged that accused Nos. 1 and 2 in furtherance of their common intention misappropriated amount of Rs. 80,000/-. So the offence is a socio-economic offence. Therefore, an opportunity to prove the charged offence needs to be granted to the prosecution. Section 311 of Cr. P.C. is as under:

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

05. Above provision empowers the Court to summon any person as witness. Considering the allegations involved in the charge-sheet, evidence of proposed witnesses appears to be essential for the proper decision of the case. Hence, I pass

following order;

ORDER

- . The application is allowed.
- . Issue witness summons to proposed witnesses.
- . The prosecution is directed to secure attendance of the witnesses without failure and to complete the trial within 02 months from the date of service of summons to the witnesses.

Junnar
Date 23.07.2026

(Anant Himmatrao Bajad)
Judicial Magistrate First Class Junnar