

R.C.C. No. 311/2016
State -Vs- Ramchandra Kamble
and another.

ORDER BELOW EXH.01

The prosecution has examined in all four witnesses. The prosecution has been given sufficient time and opportunity to produce their other witnesses. As per Exh. 38 and 41 summons to the other witness, but he has not secured their presence to lead the prosecution witnesses. Other witnesses also issued summons, but the Serving Officer did not take effective step to secure the presence of the witnesses. The case is more than 10 years old.

2) The matter is old one and there specific directions of Hon'ble High Court regarding old cases vide **Hon'ble High Court D.O. letter No.A(Spl)/3215/1085/2016, dated 19th November 2016** regarding pendency of five years and ten years cases. In 1979, **Hussainara Khatoon Vs. Home Secretary, state of Bihar**, the Apex court held that, the right to a speedy trial is a fundamental right implicit in the right of life and personal liberty provided under Article 21 of the Indian Constitution. In view of above discussion and for manifold reasons as stated above, I am of the considered view that, speedy trial is a fundamental right implicit in the guarantee of life and personal liberty enshrined in Article 21 of the Indian constitution. I did not think fit to extend further time to the prosecution for production of the witness/es as no purpose will be served. Case is quite old. Hence, further evidence of the prosecution is closed. Witness no. 2 to 4 have contested the prosecution case. There is incriminating evidence against the accused. Hence, matter kept for statement under Section 313 of the Code of Criminal Procedure.

Place:-Junnar,
Date :- 23/06/2026

(Namrata M. Biradar)
Judicial Magistrate First Class,
Junnar, Pune