

ORDER BELOW EXH. 28

The Ld. Advocate Smt. G. S. Chaure for the accused has submitted that the accused has met with an accident and is bed-ridden. She has submitted medical certificate of the accused alongwith the application. She submitted that the statement of the accused under section 351 of the BNSS may be recorded by any alternate mode. The Ld. A.P.P. has not disputed the medical condition of the accused and prayed for passing appropriate orders.

2] The Honorable Supreme Court in **Basavaraj R. Patil and Ors. VS State of Karnataka and Ors. dt. 11.10.2000 (AIR 2000 SC 3214)** has laid down the principals of law to overcome the situation faced by the Court when the accused cannot remain physically present in the Court for recording his statement under Section 313 of Cr.P.C. in the following terms - If the court is satisfied of the genuineness of the statements made by the accused in the said application and affidavit it is open to the court to supply the questionnaire to his advocate (containing the questions which the court might put to him under Section 313 of the Code) and fix the time within which the same has to be returned duly answered by the accused together with a properly authenticated affidavit that those answers were given by the accused himself. He should affix his signature on all the sheets of the answered questionnaire. However, if he does not wish to give any answer to any of the questions he is free to indicate that fact at the appropriate place in the questionnaire as a matter of precaution the Court may keep photocopy or carbon copy of the questionnaire before it is supplied to the accused for answers. If the accused fails to return the questionnaire duly answered as aforesaid within the time or extended time granted by the court, he shall forfeit his right to seek personal exemption from court during such questioning.

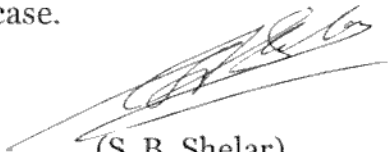


3] Therefore, it is not necessary to appoint to any commissioner to record the statement of accused under Section 351 of BNSS, but the questionnaire of the questions put to the accused can be furnished to his advocate for recording the statement of such accused who is unable to remain present physically in the Court. In view of the above the application is allowed in the following terms -

ORDER

1. The questionnaire containing the questions which the Court wants to put to the accused under Section 351 of the BNSS shall be supplied to Ld. Adv. G. S. Chaure for the accused.
2. The Ld. Advocate shall visit house of accused at the address mentioned below i.e. Near Mahalaxmi temple, near Post Office, Yawat, Tal. Daund, Dist. Pune.
3. The Ld. Advocate shall record the statement of the accused and he shall affix his signature on all the sheets of the answered questionnaire. However, if he does not wish to give any answer to any of the questions he is free to indicate that fact at the appropriate place in the questionnaire.
4. The questionnaire shall be returned duly answered by the accused together with properly authenticated affidavit that those answers were given by the accused himself on or before 22/06/2026.
5. If the accused fails to return the questionnaire duly answered on or before 22/06/2026 or extended time granted by this Court, he shall forfeit his right to seek personal exemption from Court during such questionnaire.
6. Copy of the questionnaire supplied to the Ld. Advocate shall be retained in the record of the case.

Junnar, Pune
Dt. :04/06/2026


(S. B. Shelar)
Additional Sessions Judge, Junnar
Tal. Junnar, Dist. Pune.