

MHRT040004282024

**Order below Exh.16 in Sessions Case No. 20/2024**

The State of Maharashtra Prosecution

Versus

Vikas Prakash Lambade Accused

- 1.** Read the application and say. Heard both parties.
- 2.** It is the case of the prosecution that the victim is a person suffering from mental disability and, therefore, requires due care, protection, and sensitivity during the course of recording her evidence. The said aspect has been duly considered by this Court. However, while ensuring adequate protection and support to a vulnerable witness, it is equally necessary to maintain a balance with the fundamental right of the accused to a fair trial.
- 3.** The protection of the witness cannot be at the cost of compromising the procedural safeguards available to the accused. Therefore, while every necessary care and assistance shall be extended to the victim witness at the time of recording her evidence, the right of the accused to

effectively defend himself and to have a fair and impartial trial also deserves equal consideration and protection.

4. It appears that if the cross-examination of the informant is completed and the matter is thereafter adjourned for the examination of the victim, the defence disclosed during the cross-examination may become known to the victim before her evidence is recorded. Such a course may prejudice the accused and adversely affect the fairness of the trial.

5. In order to safeguard the accused's right to a fair trial and to ensure that the testimony of each witness remains uninfluenced by the evidence of the other, the application deserves to be allowed.

6. Accordingly, the prosecution is directed to examine the informant and the victim consecutively on the same day. Their respective cross-examinations shall thereafter be conducted consecutively on the same day. During the course of cross-examination, appropriate precautions shall be taken to ensure that the witness whose cross-examination is yet to commence does not communicate with or receive any information from the witness whose cross-examination has already been completed.

7. Accordingly, the cross-examination of the informant shall first commence and be completed, and immediately

thereafter the cross-examination of the victim shall commence and be completed. Hence, the following order:

ORDER

- 1.** The application is hereby allowed.
- 2.** The prosecution shall secure the presence of both the informant and the victim before the Court on the date fixed for recording of evidence.
- 3.** The examination-in-chief of the informant and the victim shall be recorded consecutively on the same day.
- 4.** Thereafter, on next date the cross-examination of the informant shall commence first and shall be completed on the same day. Immediately upon its completion, the cross-examination of the victim shall commence and shall also be completed, as far as practicable, on the same day.
- 5.** During the recording of evidence and till the completion of the cross-examination of both witnesses, the witness whose evidence or cross-examination is yet to be recorded shall remain separated and shall not communicate, directly or indirectly, with the witness whose evidence or cross-examination has already been completed.

sd/-

Date- 18-07-2026

(V.G.Patil)

Additional Sessions Judge, Khed

C E R T I F I C A T E

I affirm that, contents of this P.D.F.file Judgment/order are same, word to word, as per the original Judgment /order.

Case No.	Sessions Case No.20/2024 order below exh.16
Name of the Stenographer	Mrs.V.S.Kulkarni
Name of the Court	Addl. Sessions Court, Khed, Dist. Ratnagiri.
Date of Pronouncement	18.07.2026
Judgment/order Signed On	18.07.2026
Judgment/order Uploaded On	18.07.2026