

Order below Exh 57 in Sessions Case No. 19 of 2018

State of Maharashtra	Prosecution
Versus	
Ramesh Dhondu Zore etc. 4	Accused

This application is moved by the Ld advocates for the defence after the completion of the examination-in-chief of the PW2.

2. This application is filed vide Section 231(2) CrPC.
Perused the application.

3. Heard.

4. It is contended on behalf of the accused that this witness and the next witness on section 27 of the Indian Evidence Act need to be cross-examined at a time so that the next witness does not get alerted from the admissions given by this witness.

5. Ld APP submits that no prejudice would be caused to the accused even if the PW2 cross-examined right now. She submits that this witness will have to be called again and again.

6. My observations are as follows.

7. Section 231(2) gives discretion to the Court to defer the cross-examination of any witness. It is mentioned that the next

witness may get alerted based on the admissions given by this witness. Therefore, I am convinced that there is a possibility that the defence of the accused(s) may get prejudiced if the defence is directed to conduct the cross-examination of the PW2 before examining the next witness on the aspect of discovery and recovery.

8. The witness is a public servant. He resides in village Khed. He works in the Nagar Parishad of Khed. Therefore, in my opinion, there would not be any difficulty either to the prosecution or to the witness to come for cross-examination after some time. No prejudice is going to be caused to the prosecution evidence since the examination-in-chief of this witness is complete.

9. Consequently, I pass the following order.

O R D E R

1. Application Exh 57 is allowed vide section 231(2) CrPC.
2. The PW2 shall be called for cross-examination at an appropriate time.
3. Application Exh 57 stands disposed of with above order.

Khed.

Date :- 24.11.2023

Sd/-***

(Dr Sudhiir M Deshpande)

Addl. Sessions Judge, Khed,
Tal. Khed, Dist. Ratnagiri.

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

Name of the Grade I Stenographer	Mr.Sandeep S. Patil
Name of the Court	Dr Sudhiir M Deshpande Addl. Sessions Judge, Khed.
Date of Pronouncement Judgment/ Order	24.11.2023
Judgment/Order Signed On	24.11.2023
Judgment/Order Uploaded On	24.11.2023