

Order below Exh 39 in R.C.C. No. 50/2017
(CNR No. MHRT080003452017)

By the present application, prosecution has prayed for adjournment of the case. It is contended that some important and material documents are to be produced. Thus, the witness cannot be further examined on this day. Hence, it has prayed for adjournment.

02. The application is strongly opposed by learned advocate for the accused. It is contended that the matter is pending for cross-examination of PW01 since 02/11/2022. Despite granting several opportunities, the prosecution has not produced the documents. The prosecution is misleading the Court. It is prolonging the matter on the say of informant. Hence, according to the defence side, application is liable to be rejected.

03. Perused the record. Heard both sides.

04. It is a fact on record that the charge is framed in the year 2018. Then, PW01 is examined-in-chief on 02/11/2022. On that day, as per order below Exh. 28, the matter was adjourned for further examination-in-chief of PW01. The adjournment was sought as the prosecution desired to produce certain documents of record which are stuck in a Civil Suit between the parties. Thus, since 02/11/2022, present suit is pending for further examination-in-chief of PW01.

05. The aforesaid episode shows that the matter is some how prolonged. Accused has a right to speedy justice. So also, the prosecution has a right of a fair opportunity to establish its case. Balance has to be made between the rights of the victim and accused. Thus, considering the nature and circumstances of the case, one last opportunity can be granted to the prosecution to produce the documents and to adduce further examination-in-chief of PW01. It is made clear that, if the

prosecution fails to do so on next date, further appropriate order would be passed against it.

Date : - 20/04/2024

(B. D. Tare)
Judicial Magistrate F.C.,
Deorukh

- : C E R T I F I C A T E : -

Judgment/order/evidence in R.C.C. No. 39/2017

I affirm that the contents of this Pdf file order are same words as per original order.

Name of Stenographer	:- S. A. Bhale
Court Name	:- The Court of Civil Judge (J.D.) & Judicial Magistrate F.C., Deorukh
Date of decision	:- 20/04/2024
Order signed by PO. on	:- 20/04/2024
Order uploaded on	:- 20/04/2024