

(MHSN040000182023)
Special Case (Pocso) No. 1/2023

State of Maharashtra **.. Complainant**

Vs.

Aniket Suresh Mane **.. Accused**

ORDER BELOW EXH. 70

1] The prosecution has filed this application under Section 311 of Cr.P.C. for examining the witness from State Education Board to prove the matriculation certificate of the victim to prove her age

2] Read application and reply filed by the accused at Exh.71. Heard Ld. APP Shri.R.S.Patil and Ld. Advocate for accused Shri.N.A.Patil.

3] Ld. APP has submitted that the prosecution has to prove the age of the victim. The matriculation certificate has been exhibited at Exh.66, however, it is necessary to prove the certificate by examining the officer of SCC Board. The evidence of the witness would be helpful for just decision of the case.

4] The Ld. Counsel for accused objected the application on the ground that after recording the statement of accused under Section 313 of Cr.P.C. the application is filed

to fill up lacuna. Therefore, he prayed to reject the application.

5] It is a fact that after recording the evidence of prosecution witnesses the statement of accused under Section 313 Cr.P.C. has been recorded and thereafter prosecution has filed this application. As per the provisions of Section 311 of Cr.P.C. the court has power to summon material witness at any stage of inquiry or trial, if his evidence appears to it to be essential to the just decision of the case. The prosecution wanted to examine the officer of the State Education Board for proving the matriculation certificate of the victim. In this case, the burden is on the prosecution to prove the age of the victim. Therefore, the proposed witness is a material witness and his evidence is essential for the just decision of the case. Further no prejudice would be caused to the accused by examining the witness. Therefore, considering the facts and circumstances of the case, it is necessary to permit the prosecution to examine the witness from SCC Board. Hence, I proceed to pass the following order.

ORDER

1. The application is allowed.
2. Permission is granted to prosecution to examine the concerned witness of Maharashtra State Board of Secondary and Higher Secondary Education, Kolhapur Division, as prayed for.

.. 3..

3. Issue witness summons to the witness, as prayed for.

Date - 29-06-2026.

(R.B.Rote)
Addl. Sessions Judge, Islampur