

(CNR No.: -MHSN06-002345-2018)
(The State of Maharashtra V/s. Sangita Nandu Gaikwad
@ Sangita Tanaji Gosavi)
ORDER BELOW EXHIBIT 126 IN REGULAR
CRIMINAL CASE No.218/2018
(Order dated 19/07/2019)

1. This application is filed by learned A.P.P. for recalling witness No.1, whose deposition is recorded at Exhibit 65.
2. It is contention of the State that in the cross-examination taken by the accused No.2, this witness has made new statements. Thus, for sake of clarification of that new statements, it is necessary that he be recalled.
3. The accused No.2 has filed his say and contended that, cross-examination of the witness is completed and the prosecution has not taken re-examination. Only to prolong the case and to fill up lacuna, this application is made. Thus, application is only liable for rejection.
4. Accused No.1 has filed his say and contended that, the application is vague. The application is silent in respect of point on which the prosecution intend to reexamine the witness. Though having opportunity, the prosecution have failed to re-examine the witness. The application is liable for rejection.

5. Perused the application, say and documents and record. Heard both sides.

6. It seems from the record that, the accused are facing trial for the offence punishable under Section 3, 4 and 5 of The Immoral Traffic (Prevention) Act. P.W.1 has recorded his statement below Exhibit 65 on 23/11/2018. Later on he has recalled by accused and he cross-examined on 29/01/2019. It seems that, the prosecution has not taken any re-examination of that witness. This witness is cross-examined on 29/01/2019 and after two dates the prosecution has filed this application. On perusal of the application, the prosecution has failed to satisfy that on which ground the witness needs to be recalled. Thus, the application does not explanatory on the point on which witness can be recalled, only liable for rejection. Hence, considering above discussion, I proceed to pass the following order.

ORDER

Application is rejected.

Place: Miraj.
Date: 19/07/2019.

(Nilesh M. Wali)
J.M.F.C., Miraj.

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

Name of the Stenographer : S. P. Pethkar.
Court : Jt.C.J.J.D. & J.M.F.C., Miraj.
Judgment/Order signed by
the Presiding Officer on : 19/07/2019.
Judgment/Order uploaded on : 23/07/2019.