

MHSN170006612025



Received on : 23.06.2025  
Registered on : 23.06.2025  
Decided on : 25.03.2026  
Duration : Ys. M. Ds.  
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**IN THE SESSIONS COURT, VITA, AT VITA**  
**(Presided over by R.R. Bhagwat, Addl. Sessions Judge, Vita)**

**CRIMINAL REVISION APPLICATION NO.35/2025**

**Exh. No.12**

**Government of Maharashtra** ) **Applicant/**  
(through Public Prosecutor, Sangli) ) **Complainant**

**VERSUS**

- |                                            |   |                    |
|--------------------------------------------|---|--------------------|
| 1. <b>Khanderao Pandurang Pawar</b>        | ) |                    |
| Age-34 Years, Occu. Agriculture            | ) |                    |
| 2. <b>Satish @ Satyajit Krishnat Pawar</b> | ) |                    |
| Age-30 Years, Occu. Agriculture            | ) |                    |
| 3. <b>Prathmesh Sanjay Pawar</b>           | ) | <b>Respondents</b> |
| Age-25 Years, Occu. Agriculture            | ) | <b>/Accused</b>    |
| 4. <b>Kakaso @ Babaso Shrimant Mohite</b>  | ) |                    |
| Age-42 Years, Occu. Agriculture            | ) |                    |
| 5. <b>Dattatray Shrimant Mohite</b>        | ) |                    |
| Age-30 Years, Occu. Agriculture            | ) |                    |
| All accused R/o. Shivani, Tal. Kadegaon,   | ) |                    |
| District - Sangli                          | ) |                    |

**Cri.Revn.Appln.U/s.438 of the Bharatiya Nyaya Sanhita, 2023**

Shri. M. B. Kulkarni, Ld. APP for the applicant.

Shri. M. S. Shanbag, Ld. Counsel for the respondents.

**JUDGMENT****(Delivered on 25.03.2026)**

1] Prosecution has preferred revision against order below Exh.63 dated 03.04.2025 in R.C.C. No.57/2023 passed by Ld. J.M.F.C., Kadegaon, Tal. Kadegaon, Dist. Sangli rejecting relief of recalling witnesses as per section 311 of the Code of Criminal Procedure. Perused application and documents on record. Heard Ld. APP Shri. M.B. Kulkarni for the State. None is present for respondents No.1 to 5.

2] On perusal of application Exh.63, it appears that two incidents had taken place on 26.11.2022 at 06.30 p.m. and at 07.30 p.m. Mother of the informant and Shantabai Nivrutti Pawar are said to have seen the first incident. Therefore, prosecution felt it necessary to examine them. Accordingly, application Exh.63 was moved before Ld. Trial Court. The respondents/accused filed say below Exh.63 stating that statement under section 313 of the Cr.P.C. is recorded and final argument of both sides is heard and application is moved at belated stage without any proper justification. Ld. Trial Court considered developments in the matter and passed the impugned order.

3] Considering contention of the prosecution, these two witnesses are material witnesses in order to prove happening of

the first incident as alleged in the case. There is no legal bar to move application under section 311 of the Cr.P.C. before reaching the matter stage of final argument. Application under section 311 of the Cr.P.C. can be moved at any time before conclusion of the trial. If prosecution is allowed to examine these two witnesses, the respondents may get an opportunity to conduct their cross-examination. Furthermore, additional statement under section 313 of the Cr.P.C. of all accused can also be recorded. Prosecution cannot be deprived of an opportunity to examine material witnesses merely because the matter has reached the stage of pronouncing judgment after hearing both sides. Ld. Trial Court seems to have swayed away with the aspect of moving application Exh.63 at belated stage. As Ld. Trial Court failed to appreciate the aspect of reasonable opportunity to be given to the prosecution to prove its case, impugned order is illegal and perverse and it calls for interference by this Court. In the result, impugned order is liable to be set aside. Present revision application is liable to be allowed. Hence, I pass the following order :-

**: ORDER :**

- 1) Criminal Revision Application No.35/2025 is allowed.
- 2) Impugned order below Exh.63 dated 03.04.2025 in R.C.C. No.57/2023 passed by Ld. J.M.F.C., Kadegaon, Tal. Kadegaon, Dist. Sangli is set aside.
- 3) Application Exh.63 in R.C.C. No.57/2023 is allowed.
- 4) Prosecution is directed to examine witnesses i.e. mother of the informant and Shantabai Nivrutti Pawar

within period of three months from the date of this order.

- 5) Ld. Trial Court is directed to follow subsequent stages of the matter as per law.
- 6) Proceeding of Criminal Revision Application No.35/2025 is closed.

(Dictated and pronounced in open Court)

Vita  
Dt.25.03.2026

(R.R. Bhagwat)  
Additional Sessions Judge, Vita

**CERTIFICATE**

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

|                                |                                      |
|--------------------------------|--------------------------------------|
| Name of Stenographer           | : H.G. Sutar (Steno Grade-I)         |
| Court                          | : DJ-1 & Addl. Sessions Judge, Vita. |
| Date of order                  | : 25.03.2026                         |
| Signed by Presiding officer on | : 25.03.2026                         |
| Uploaded on                    | : 25.03.2026                         |