

MHST010020592021



**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, SATARA
SESSIONS CASE NO.158 of 2021**

State of Maharashtra ... Complainant.

Vs.

Shubham Jayram Kadam & Ors. ... Accused.

Mr.A.R.Kulkarni , Addl. P.P for the State.
Mr. Panhale, Advocate for applicant.

**Coram: Mr. S. R. Tamboli,
 The Addl. Sessions Judge, Satara,**

:: ORDER BELOW EXH.121 ::

1. In the instant application, the prosecution has prayed for permission to examine witnesses under section 348 of the Bharatiya Nagarik Suraksha Sanhita.
2. Mr. A.R. Kulkarni, learned Addl. P.P for the state, submitted that the prosecution has already closed its evidence. However, upon perusal of the record, it appears that Shrikant Lashkare and Prashant Chavan are material witnesses. Due to inadvertence, the prosecution failed to examine them. Hence, for the just decision of the case, he prayed for permission to examine these witnesses.
3. Per contra, Mr. Panhale and Mr. Doiphode, learned counsel for the accused, submitted that the prosecution has

already closed its evidence and the case is posted for recording the statement of the accused under section 351 of the Bharatiya Nagarik Suraksha Sanhita. They submitted that the prosecution is delaying the matter and is attempting to fill up lacunae in its case. It would cause prejudice to the rights of the accused. Hence, they prayed for dismissal of the application.

4. The prosecution has come with a case that, due to inadvertence, it failed to examine the material witnesses. Therefore, for the just decision of the case, permission is required to be granted to examine those witnesses. It is not the case of the accused that the prosecution has prepared any new statements. The prosecution seeks to examine witnesses whose names are already included in the witness list. Therefore, there is no question of filling up lacunae. There is a distinction between an inherent defect in the prosecution case and an inadvertent error. Hence, I think it proper to allow the application. Accordingly, I pass the following order.

ORDER

1. The application is allowed.
2. The prosecution is permitted to examine the witnesses as prayed.

Satara.
Date : 17.07.2026.

(S. R. Tamboli)
2nd Addl. Sessions Judge, Satara.