

ORDER BELOW EXH.52 IN SESSION CASE NO. 5 OF 2023

(State of Mah. Versus Shivaji Bhujbal)

(Passed on : 30.03.2026)

The prosecution has filed this application under Section 311 of Criminal Procedure Code to recall the informant i.e. PW No.2- Baban Gulab Sapkal by contending that on the basis of the recording in the mobile of the accused, some of the suspects have been discharged. In such circumstance, it is essential to play the said mobile before PW No.2. Hence, this application.

2] The accused filed reply by contending that, this application is not maintainable. It is filed only to fill-up lacuna in the prosecution case. Further, unless and until, the seizure of muddemal property is proved by proper witness, it cannot be played.

3] Heard.

4] The charge-sheet shows about seizure of mobile from the possession of accused Shivaji Bhujbal, which was produced by his son-Aakash Bhujbal. So also, there is one pen-drive produced by said Aakash Bhujbal. It shows that the prosecution has relied upon some electronic evidence.

5] The prosecution has examined informant- Baban Gulab Sapkal as PW2 vide Exh.34. In the evidence of informant, nothing is brought about electronic evidence.

6] Though the matter is part-heard and the prosecution has examined five witness, but the other evidence is yet to be recorded. If this witness is recalled, then accused will get an opportunity to cross-examine the witness. In such circumstance, no prejudice would cause to the accused, if the witness is recalled. Hence, following order.

ORDER

1. Application is hereby allowed.
2. Issue witness summon to the prosecution witness i.e. PW2- Baban Gulab Sapkal and he be recalled for further evidence.

Wai
Date: 30.03.2026

(D.B.Mane)
Addl. Sessions Judge, Wai.