

CNR: MHST190011732023



Order below Exh.139 in Sessions Case No. 63 of 2023
(State of Maharashtra Vs. Punam Ashok Kamble)
(Passed on : 16.01.2026)

1] Instant application **Exh.139** has been filed from the side of accused for grant of 15 days time for production of certain documents which were received by accused under the provisions of R.T.I. Act regarding the tour of “Governor” (राज्यपाल) and some CCTV footage.

2] Learned APP Shri A.R.Kulkarni has strongly opposed said application by raising objection that PW1 witness is present before Court for conducting her evidence inasmuch as Hon’ble High Court had directed her by way of recalling for facing further cross-examination. Accused wanted to prolong the matter. In addition to this, accused has not filed any document in support of his application. Therefore, it is requested to reject the application.

3] I have heard both the parties and perused record. Accused had filed application Exh.106 for recalling PW1 on the ground that while cross-examining PW4, reference of issuance of office order and some correspondence were there. Similarly, accused wanted to ask certain questions relating to CCTV footage. Therefore, it was requested to recall PW1. This Court had rejected such application. Thereafter, accused had challenged that order before Hon’ble High Court. Hon’ble High Court had allowed their petition and PW1 was directed to remain present before the Court for facing cross-examination. Accordingly,

PW1 is present before the Court for facing further cross-examination.

4] In above scenario, present application Exh.139 has been moved by defence side for grant of 15 days time, so that they can collect the documents from previous Advocate, who is now in jail. Those documents are the documents which were received by accused under the provisions of R.T.I. Act.

5] On perusal of record, it will find that evidence of PW1 was completed on 17.04.2023. Now, PW1 has been recalled as per direction of Hon'ble High Court for conducting further cross-examination. Though the learned Counsel of accused is having zerox copies of those documents which are intending to be produced on record, but learned Counsel of accused is not ready to produce the same on record. In this context, learned APP submitted that if accused produces zerox copies on record, then after perusing of the same, it is also possible for them to admit or deny those documents. In the application Exh.139, reference has been made that under the provisions of R.T.I. Act, some documents of the year 2015-2016 have been received by accused and accused wanted to produce the same on record and those documents were collected by her from Municipal Council, Panchgani. In such circumstances, if accused specifies those documents which were collected from Municipal Council, Panchgani, then in such situation, it is possible to call original record from Municipal Council, Panchgani, which according to accused is essential for her defence. But learned Counsel for the accused is not ready for the same. If on the request of accused, witness is recalled, then it is

expected that to cross-examine further such witness and in such circumstances, adjournment is not expected. During mean time, it came to know to the accused that certain documents remained in the custody of previous Counsel, that cannot be the ground for adjourning the case. The reason is being that only on specific ground as mentioned in the application Exh.106, PW1 is recalled. There was no reference in the application Exh.106 or before Hon'ble High Court that PW1 needs to be cross-examined on the documents which were obtained under the provisions of R.T.I. Act. Under such circumstances, fact is emerging that without any valid reason, accused wanted to prolong the case. As such, I do not find any substance in the application Exh.139. Therefore, it is liable to be rejected. In the result, following order is passed.

ORDER

- 1) Application **Exh.139** is rejected.
- 2) Accused is directed to conduct the further cross-examination of PW1 as per direction given by Hon'ble High Court, Bombay.

Wai
Date: 16.01.2026

(R.N.Mehare)
Additional Sessions Judge, Wai.