

IN THE COURT OF SESSIONS JUDGE, WASHIM.

Order Below Exh. 23
(Dated 02/12/2024)

- 1) The present application preferred by the original victim for adjournment on the ground that the informant is ill, so also, necessary documents and information could not collect.
- 2) The accused objected the application by filing say of back page of the application on the ground that the complainant deliberately want to prolong the matter, so also, this is second application filed by the complainant.
- 3) As the application does not bear signature of PP, the Court directed to the prosecution to file the say on the application.
- 4) The prosecution also filed the say and requested to pass suitable order, neither objected nor supported the application.
- 5) Heard Adv. Mr. S. V. Dighole for the victim, PP Mr. A. R. Vyawahare for the prosecution and Adv. Mr. M. S. Gawai for the accused.
- 6) On perusal of record of the case, it is observed that on last date, the victim also filed the adjournment application which was granted with expectation that the informant will appear in the present case on next date and actually participate and give evidence without fail.
- 7) The Ld. advocate for the victim orally submitted that the informant intend to file application under section 173 (8) of Cr. P. C. for further investigation for which documents of school of victim and information of friends of deceased is required to be collected, due to which

the victim can not proceed to give evidence on today.

8) On perusal of the present application, it is observed that the reasons for adjournment reflected from submissions of Adv. Mr. Dighole for the victim does not reflect. Similarly, what attempts the victim made for collection of these particular information and documents within earlier period are not either reflected from the application and from the submissions from the Ld. Adv. Mr. Dighole for the victim.

9) It is also observed that the prosecution is ready to proceed with the case even to examine the witness in the present case which is reflected from oral submissions of PP Mr. A. R. Vyawahare on behalf of the prosecution.

10) The defence counsel strongly objected the application on the count that ground for adjournment reflected from application is one and the same and no new ground is made out by the victim for getting adjournment. He further pointed out that speedy trial is right of accused which is required to be observed by the Court.

11) As the application does not reflect the grounds for adjournment reflected from the oral submissions of Ld. advocate of the victim, in the light of observations reflected from the order passed on Exh. 22 dated 18/11/2024, then application having no merit, but in order to give satisfactory opportunity, the application deserves to be granted as last chance and victim and the prosecution are hereby suggested to take serious note of the same and take necessary steps to achieve the object which is in the mind of victim and the prosecution. No doubt, the speedy trial is right of accused, but every right has some exception and if the present

application granted, then no prejudice will cause to the accused, as the accused is on bail and it is mere adjournment. Hence, the order -

ORDER

- 1) The adjournment application at Exh. 23 filed by the victim suo-moto is hereby allowed as last chance.
- 2) The next date is fixed for evidence of the prosecution on 30/12/2024.
- 3) Accordingly, the application stand disposed of.

Washim.
Date: 02/12/2024.

(S. V. Hande)
Sessions Judge, Washim.

CERTIFICATE

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 Stenographer :- A. W. Ajmire, Stenographer (Grade-II)

Name of Court :- Principal District & Sessions Judge,
Washim, Dist. Washim.

Date of Judgment/ Order :- 02/12/2024

Judgment/Order signed by :- 02/12/2024
the Presiding Officer on

Judgment/Order uploaded on :- 04/12/2024