

**Spl. Case Child Pro.No.93/2025  
State v. Rushabh  
MHWS010008652025**

**ORDER BELOW EXH.39**

This is an application filed by the accused for cancellation of Article A, B, C at Exh. 25.

2. It is submitted that on 16.03.2026 the advocate for prosecution playing fraud and take fraudulently Exh. 25 Article A, B, C at the time of examination in chief of witness No.2 Nandabai without produce the property before this Court and without identified seizer property i.e. article A, B, C on Exh. 25 and suppress the production of property before the Court to the witness and without identified property article A, B, C on Exh. 25 given by the Court totally suppress the identification of the property at the time of chief of Nandabai. Therefore without production of seizer memo, without identification in chief how the Exh. 25 article A, B, C is illegal one. At the time of chief the counsel of the accused notice to this Court in respect of illegality of the prosecution of Exh. 25 in that event the prosecution ignore this thing. Therefore the examination of chief is completed by the Court.

3. Above such circumstances under the eye of law for the interest of the accused it is necessary the article A, B, C on Exh. 25 not cancelled by the Court the accused will suffer and that effect on the justice of the Court. Hence this application.

4. The A.P.P has filed say at Exh. 40 and deny that on 16.03.2026 prosecution advocate playing fraud and take fraudulent Exh. 25, article A, B, C at the time of examination chief of witness No. 2 Nandabai without produce the property before the Court. He further submitted that in para No. 4 of P.W. 1 Mahesh Deshmukh dated

23.02.2026 clear that the seizer panchanama Exh. 25 and article A, B, C are duly proved by the prosecution of examine P.W.1 on 23.02.2026 and not from P.W. 2 Nandabail as alleged by the accused. He further submitted that the accused has even incorrectly mentioned the name of P.W. 2 in the application which itself demonstrate the casual and reckless manner in which the present application has been filed. Hence he prayed that the application filed below Exh. 25 seeking cancellation of article A,B,C, be rejected with heavy cost of Rs. 50,000/-.

5. Heard learned advocate for applicant/accused and learned APP for prosecution.

6. Perused application and say. It appears that in this matter already two witnesses are recorded by this Court. The first witness is Mahesh Devanand Deshmukh (Panch witness) while recording his chief examination in para no. 4 he specifically deposed that police seized clothes of victim and prepared seizer panchanama and thereafter took his signature and it bears his signature it is at Exh. 25. He further deposed that, that clothes contended one brown colour lugin, one top, one green colour nicker and the said witness identify that clothes. The one seal packet opened contended muddemal in presence of APP, accused and advocate of accused before the Court and that muddemal shown to the witness and he identified that the said top is same, hence article A is given to it. Further he deposed he shown lugin and it is a same hence Article B is given. He further deposed he shown nicker is the same hence Article C is given. Already Exh. 25 and article ABC are already given during the examination in chief of P.W. 1 Mahesh Devanand Deshmukh and the said Exh. 25 and article A,B,C is repeated in recording chief examination of P.W. 2. Hence the contention of learned counsel for accused that Exh. 25 and article A,B,C, is given

during the cross examination of P.W. 2 is wrong, hence it cannot be cancelled. Hence Hence, I pass following order.

**ORDER**

Application Exh. 39 is hereby rejected.

Date : 20/05/2026

(Smt. V. D. Ingle)  
Additional Sessions Judge, Washim.

**CERTIFICATE**

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

Name of Stenographer	:- T.R. Ugale, Stenographer (Grade-III)
Name of Court	:- Smt.VD.Ingle District Judge-2 and Additional Sessions Judge, Washim.
Date of Judgment/ Order	:- 20/05/2026
Judgment/Order signed by the Presiding Officer on	:- 20/05/2026
Judgment/Order uploaded on	:- 20/05/2026