

Sessions Case No.75/2024
State v. Vijay Khekale
CNR No.MHWS010013712024

Order below Exh.51

This is an application filed by the prosecution under section 311 of Code of Criminal Procedure to recall the witnesses PW-2, PW-3 and PW-5 for identification of weapons.

2. It is submitted that the property was received from CA. The evidence of PW-2, PW-3 and PW-5 is necessary for identification of weapons. Hence, prosecution prayed to recall PW-2, PW-3 and PW-5 for identification of weapons and for issuing witness summons.

3. The accused filed say below this application. No sufficient reasons mentioned in application. Lastly, accused prayed for rejection of application.

4. Heard, learned APP P.S.Dhoble for the prosecution and learned advocate C.R.Deshpande for accused.

5. Perused the contents of application and say filed by the accused. By this application the prosecution prayed for recalling the PW-2, PW-3 and PW-5 for identification of weapons. Accused strongly objected the application. It is admitted fact that the muddemal property was received from CA and muddemal is deposited in the court. Now the prosecution wants to show the weapons to PW-2, PW-3 and PW-5. Therefore, she is praying to recall the witnesses PW-2, PW-3 and PW-5. In my view being trial court opportunity must be given to the prosecution to examine the witnesses and also to recalls the witnesses.

Prosecution would not be able to prove its case unless and until the weapons are shown to the witnesses. Merely by showing the weapons to the witnesses no prejudice will be caused to the accused. On the contrary, accused get additional opportunity to conduct the cross examination of these witnesses. Hence, no prejudice will be caused to the accused. Hence, to meet ends of justice it is necessary to recall the witnesses PW-2, PW-3 and PW-5. Hence, application needs to be allowed. Hence, I proceed to pass the following order.

ORDER

- 1) Application filed by the prosecution at Exh.51 in Sessions Case No.75/2024 is allowed.
- 2) Prosecution witnesses, PW-2, PW-3 and PW-5 be recalled under section 311 of Code of Criminal Procedure.
- 3) Issue witness summons to PW-2, PW-3 and PW-5.
- 4) Order accordingly.

Date: 23/07/2025

(A.S.Salgar)
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	:- R.R.Bharad, Stenographer (Grade-I)
Name of Court	:- Shri. A.S.Salgar, Adhoc District Judge-1 and Additional Sessions Judge, Washim.
Date of Judgment/ Order	:- 23/07/2025
Judgment/Order signed by the Presiding Officer on	:- 23/07/2025
Judgment/Order uploaded on	:- 24/07/2025