

IN THE COURT OF SESSIONS JUDGE, YAVATMAL

**Spl. C. No.22/2017
CNR No.MHYA010007362017**

State ..Vs.. Gajanan

**Order Below Exh.115
[Passed on 30/01/2024]**

1. The present application is preferred by accused for permission to file written notes of argument on the ground some points are remained to be argued at the time of oral argument.
2. The prosecution objected the application on the count that the defence argued at length on previous date and by filing adjournment application defence tried to prolong the matter and it will cause prejudice to the victim.
3. Heard advocate Mr Wankhade holding for advocate Mr Lalit Deshmukh on behalf of accused and P. P. Mrs Dave for prosecution.
4. It is observed that the final argument heard and subsequently the both side filed citations on previous dates. It is also observed that the accused intend to make a submission on the points which remained to be argued during the course of oral argument. No doubt, the number of adjournments taken by accused but the right of accused to

defend the case up to his satisfaction is part and parcel of opportunity of being heard which is part of principle of natural justice. So also if the written notes of arguments attached along with this application if taken on record by keeping liberty to prosecution to advance argument on this written notes of argument, then no prejudice will cause to the prosecution or even victim. Hence, order :

Order

- (i) The application at Exh.115 for permission to file written notes of argument is hereby allowed subject to liberty to prosecution to advance oral argument on the points reflected from written notes of argument.
- (ii) The written notes of argument filed by accused is hereby exhibited and marked as Exh.116.
- (iii) The next date is fixed 02/02/2024 for reply argument of prosecution.
- (iv) Accordingly, application is disposed off.

Dated :30/01/2024.

(S.V. Hande)
Sessions Judge, Yavatmal.
JO Code MH02237