

Sessions Case No. 98/2021.
State V/s Atul + other

ORAL ORDER BELOW EXH. 128

1. Heard both the sides. Perused the application. It is the submission of the learned counsel for the accused No. 2 that the prosecution did not examine one eye witness, due to which, he has to be examined, to bring the truth on the record. *Per contra*, it is submitted by learned APP for the prosecution that there is the intention to prolong the matter, as, even, argument was heard by my predecessor, after the completion of evidence.

2. The perusal of the record reveals that the statement of the accused No. 2 under Section 313 of the Cr.P.C. was recorded on 13/04/2023. He stated therein that he did not want to examine any witness in his defence. Thereafter, the final argument in the case appears to have been heard by this court, which was concluded on 27/05/2025. It appears that the predecessor of this court could not deliver the judgment, as he got transferred.

3. The present application came to be moved on 09/07/2026, means after more than one year and one month from the date of advancing final argument. There is no reason forthcoming for moving this application after such a long duration. It *ifso facto* speaks in volumes that there is an intention to protract the case. Hence, the application is rejected, with the cost of Rs

500/-, to be deposited in this court, for being credited to the State Government.

Yavatmal.
Date: 16/07/2026

(S.U. Baghele)
Additional Sessions Judge,
Yavatmal.