

ORDER BELOW EXH.1

(Dt.11-07-2024)

Shri V.D.Kakde by filing pursis and copy of Email on record informed this Court on 08.05.2024 that he has resigned from this trial as Spl. Public Prosecutor by sending Email to Chief Secretary Law and Judiciary Department, Maharashtra. He also informed that he has handed over the record and charge-sheet to the office of APP, Additional Sessions Court, Kelapur. Pursuant to this, by passing order below Exh.1 notice was issued to the complainant to clarify the position about the Prosecutor by order dated 13.05.2024 on her behalf. Notice has been duly served to the complainant vide Exh.44. Complainant appeared on 13.06.2024 and moved application vide Exh.,45 to grant time to appoint other Special Public Prosecutor to conduct the trial. She urged to grant 20-25 days for the appointment of Special Public Prosecutor. After calling say of accused and hearing complainant and advocate Shri Ali for accused order has been passed and thereby granted time to the complainant till next date i.e. 04.07.2024. It is clarified in this order that in case Special PP would not get appointed till next i.e. 04.07.2024 it is made clear that trial would be conducted by any learned APP available at this station considering UTP status of some accused. Complainant noted this order.

On 04.07.2024 complainant remained absent and no application is being moved on her behalf. Also no order of appointment of any Special Public Prosecutor is communicated. Also on 09.07.2024 and today none appeared on behalf of complainant

including the complainant. Thus, sufficient time is availed by the complainant and given to her till date to make efforts to appoint any Special Public Prosecutor to conduct the trial. Accused nos.1 & 2 are UTP and thus facing trial from jail custody. Considering the fact that already more than sufficient time is granted to complainant to conduct trial by any Special Public Prosecutor of her choice appointed by the Government, this court can not wait further for the complainant to make appointment of any Special Public Prosecutor to conduct the trial by keeping the trial idle in view of UTP status of some accused. After adducing evidence of two witnesses, the then Special Public Prosecutor Shri VD.Kakde tendered his resignation.

Hence, in view of all attending facts and above discussion, it is necessary to conduct the trial by learned APP available at this station. Thus, inform learned DGP/PP, Yavatmal by issuing notice to make necessary arrangement of any learned APP available at this station or any APP available in the office to conduct this trial so that the trial would be proceeded further.

Dated : 11-07-2024.

(A. M. Deshmukh)
Additional Sessions Judge-2
Kelapur