

Sessions Case No.9/2022,
Golu @ Pratik Chandrabhan
Wadaskar + 3

-Vs-

State through P.S.O., P.S., Shirpur,
Dist. Yavatmal.

ORDER BELOW EXHIBIT 64

(Date : 02/07/2025)

This application has been filed on behalf of prosecution for issuance of summons under Section 311 of Criminal Procedure Code only to confront the C.C.T.V. footage to the witness.

02. Heard learned A.P.P. Mr. More and learned Advocate Mr. Sabale for accused Nos. 1 and 2 along with learned Advocate Mr. Ali for accused Nos. 3 and 4. Perused the application, say given overleaf on behalf of all accused thereby objecting this application, entire record of the trial including the evidence of concern witness P.W.4 Kumar Waman Zade.

03. Upon considering the rival submissions in the light of material emerged from the record, it appears that this witness is an eye witness and entirely supporting to the prosecution by remaining stick-up in his evidence. C.C.T.V.

footage although has not been confronted to this witness but it is already filed on record and confronted to panch witness P.W.8 Sunil Ashokrao Wagh.

04. This Sessions Trial is a murder trial. As a defence would get an opportunity to cross-examine this witness and as the prosecution wants to recall this witness only to confront him the C.C.T.V. footage which is already on record, opportunity in the light of all attending facts and evidence brought on record till date by the prosecution needs to be given to the prosecution to bring the best available evidence on record. By imposing condition that the prosecution should secure the presence of this witness expeditiously and would not stop the trial in view of U.T.P. status of some accused thereby examining other witnesses would served the purpose of expeditious trial. Also the prosecution is directed to supply the copy of C.C.T.V. footage in pen-drive given by accused if not supplied yet prior to confronting the C.C.T.V. footage to this witness for fair and transparent trial. Prosecution is also directed to expedite the trial by securing the presence of witness on due dates after summoning them further. Hence considering all attending facts and circumstances in view of above discussion, the application is liable to be allowed on certain conditions. As a result the following order -

ORDER

1. Application Exh.64 is allowed thereby P.W.4 Kumar Waman Zade is hereby recalled for further evidence only to confront the C.C.T.V. footage with a direction to prosecution to secure his presence after summoning him. After further examination-in-chief by prosecution of this P.W.4, all accused would get an opportunity to cross-examine this P.W.4.

2. Prosecution is also directed to supply the C.C.T.V. footage to accused if not supplied yet in the pen-drive supplied by accused and supplying of C.C.T.V. footage would be a condition precedent to examine P.W.4 Kumar Waman Zade.

3. Both parties to take note.

(Order dictated and pronounced in open Court today in presence of both learned advocate for accused and learned A.P.P.)

Date : 02/07/2025.

(A. M. Deshmukh)
Additional Sessions Judge-1,
Kelapur, Dist. Yavatmal