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Order no. 63

Order dt. 26/12/25

Sole accused who is on court bail is present.

Learned APP is present.

No witness has turned up.

At this stage, learned Advocate for the accused prays for closure of prosecution evidence on the ground that the case has been pending since 2011 and, till date, only two prosecution witnesses have been examined. It is contended that their evidence is insufficient to establish the guilt of the accused for the offences charged, keeping in mind that no TIP of either accused or recovered article was done by the IO during investigation. It is further argued that continuation of the proceeding would serve no useful purpose and would only result in unnecessary wastage of judicial time.

Learned APP raises objection and prays for further time to examine the remaining witnesses.

Heard. Perused the record. Considered.

On perusal of the evidence already on record and the materials available, this Court is of the considered opinion that there exists reasonable doubt in favour of the accused. It further appears that examination of the remaining witnesses is unlikely to alter the outcome of the trial. The prosecution had sufficient opportunity to produce its witnesses but failed to do so till date. It is the duty of the prosecution to ensure production of its witnesses, which it has failed to discharge. Adjournments cannot be granted indefinitely.

In view of the above, no fruitful purpose will be served by granting further time for examination of the remaining witnesses. Accordingly, the prosecution evidence is hereby closed.

Fix 31.12.2025 for examination of accused under Section 313 Cr.P.C. Accused as before.

Sd/-

JM, Kalna