

Order no. 38

Order dt. 23/4/26

All 4 accused, who are on Court bail, are absent.

Learned Assistant Public Prosecutor is present.

Perused death information of CS accused no. 2. Let the case be filed forever against the deceased accused.

None appears on behalf of the prosecution witnesses.

At this stage, learned Advocate for the accused prays for closure of the prosecution evidence contending that the present case under Section 448 and 323 IPC has been pending since the year 2010 and despite lapse of considerable time, the prosecution has failed to examine all material witnesses. It is further submitted that only informant/victim, one material witness has already been examined and the evidence does not incriminate the accused in any manner. Learned Advocate submits that repeated opportunities have already been granted to the prosecution, yet remaining witnesses have not been examined and therefore continuation of the proceeding would serve no useful purpose and would amount to unnecessary prolongation of trial.

Learned Assistant Public Prosecutor opposes the prayer and seeks further opportunity to adduce prosecution evidence.

Heard learned Advocate for the accused and learned Assistant Public Prosecutor. Perused the record and evidence already adduced.

It appears from the record that the case is pending since 2010. Only one material witness has already been examined. Despite repeated opportunities and issuance of summons, the prosecution has failed to secure attendance of the remaining witnesses. No satisfactory explanation has been offered for such failure.

It is a settled proposition of law that criminal trial must be conducted with reasonable dispatch and unnecessary prolongation of trial violates the fundamental right to speedy trial guaranteed under Article 21 of the Constitution of India. It is further settled that the Court is not bound to grant endless opportunities to the prosecution when it fails to produce witnesses despite sufficient opportunities. There should be pragmatic approach to prevent abuse of process and avoid unnecessary delay in criminal trials.

In the present case, the prosecution has failed to examine remaining witnesses despite long lapse of time and repeated opportunities. No useful purpose would be served by granting further adjournment. On the contrary, further delay would cause prejudice to the accused and defeat the ends of justice. This Court is therefore satisfied that sufficient opportunity has already been granted to the prosecution and continuation of prosecution evidence would only result in delay and wastage of valuable judicial time without any reasonable likelihood of improvement in the prosecution case. Accordingly, the prosecution evidence stands closed.

Fix 06.05.2026 for examination of accused under Section 313 Cr.P.C. Accused as before.

Sd/-

JM, Kalna