

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

934 CRIMINAL REVISION APPLICATION NO.219 OF 2019

**THE STATE OF MAHARASHTRA
VERSUS
SACHIDANAND S/O. HIRACHAND BANGAR AND OTHERS**

...
APP for Applicant-State : Mr. S.B.Narwade

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CORAM : S. G. MEHARE, J.

DATE : 23.11.2022.

PER COURT :

1. Heard the learned APP for the applicant/State.
2. That the applicants were witnesses in Special Case (ACB) No. 3 of 2015. Since they did not lead evidence and the reasons for seeking adjournments were not bonafide, the learned Additional Sessions Judge-4, Beed rejected their requests to adjourn the trial, by orders dated 01.10.2018, imposing cost. Those orders are under challenge in this application.
3. It is surprising that the public servants, who were witnesses, did not support the Court to expedite the trial. One of the witness who was present before the Court sought adjournment on the ground of his ill health. The Court got suspicious about his

statement. Hence, he was medically examined through the District Civil Surgeon, Beed. The report was received that the said witness has no ill health. Thereafter, also the Court granted him adjournment subject to the cost of Rs. 5,000/-. The another panch witnesses also did not laid the evidence. The learned Special, Judge observed that the day was fixed for recording evidence of those witnesses. The witnesses have spent valuable time of the Court. They did not pay any heed to the Court's time. The reasons for their inability to lead the evidence were not bonofide. Hence, the Special Judge (ACB) has imposed cost of Rs. 2,000/- each.

4. The learned APP would submit that the reasons assigned by the learned Special Judge in his order are not proper. The witnesses had no reason to seek adjournment. Though the reasons were bonofide, heavy costs have been imposed on them. The applicants are the public servants. Hence, lenient view ought to have been taken by the learned Special Judge.

5. Perused the impugned order. The learned Special Judge, Beed, has recorded the specific observations that the reasons assigned by the witnesses are not genuine and bonafide. False reason has been quoted by the witness that he was not feeling well. He got examined through the Civil Surgeon. The reasons assigned by

the learned Special Judge, Beed for imposing costs appears just and proper. There appears absolutely no error committed by the Special Judge, Beed in passing the impugned orders. Considering the conduct and giving false reasons, there is no scope to take a lenient view. For the reasons stated above the application stands dismissed.

(S. G. MEHARE)
JUDGE

mahajansb/