



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1542 OF 2023

Prakash Raosaheb Shinde

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr. H. I. Pathan, Advocate for the petitioner.

Mr. M. K. Goyanka, APP for the State.

Mr. U. B. Bilolikar, Advocate for respondents No. 2 to 5.

CORAM : R. M. JOSHI, J.

DATE : 14th DECEMBER, 2023.

PER COURT :

1. Learned counsel Mr. Bilolikar states that he has instructions to appear on behalf of respondents No. 2 to 5.

2. Petitioner is challenging order dated 23rd August, 2023 whereby evidence of prosecution is closed by learned Additional Sessions Judge by passing order below Exhibit 1 in Sessions Case No. 14/2012.

3. Learned counsel for petitioner submits that on the same day, an application was moved by the prosecution vide Exhibit 76 for issuance of non-bailable warrant against two Medical Officers and

Investigating Officer. The learned Additional Sessions Judge allowed the said application and passed order of issuance of non-bailable warrant. It is his submission that in view of the said order passed by the Court, order of closing of evidence of prosecution does not survive.

4. Though learned APP and learned counsel for accused opposed the petition, however, order passed by the Sessions Court on 22nd August, 2023 is sufficient to indicate that steps were taken by the prosecution for securing presence of Investigating Officer and Medical Officer. In the circumstances, there is no justification for closing of evidence of prosecution. Hence, impugned order is set aside. Petition stands disposed of.

5. Since the proceeding is pending before Sessions Court from 2012, the same be completed after examining these three witnesses on or before 31st January, 2024.

(R. M. JOSHI)
Judge