

**IN THE COURT OF SESSIONS FOR GREATER BOMBAY AT BOMBAY****ORDER BELOW EXHIBIT-12****IN****SESSIONS CASE NO.400 OF 2020
(CNR NO. : MHCC02-004184-2020)****Akhil Anil Chitre****]...Applicant/accused*****Versus*****The State of Maharashtra]
(at the instance of Kherwadi Police Station]....State/Prosecution****Appearance :-****Ld. Adv. Mr. Rahul Chauhan i/b Ld. Adv. Tapan Thatte for
applicant/accused.****Ld. APP Mrs. Suneeta Singh for the State/Prosecution.****CORAM : DEEPAK D. ALMALE
ADDITIONAL SESSIONS JUDGE, (C.R.45)****DATED : 02/03/2023****ORDER**

. Applicant/accused has moved present application directing the prosecution to furnish statement of witnesses not relied upon by it in the charge-sheet and to furnish order of production of witnesses.

2. Prosecution filed reply below Exh-16 with contention that prosecution is not going to examine any other witness than mentioned in the *charge-sheet*.

3. Heard both the sides.

4. The learned advocate of applicant/accused in support of this application has relied upon decision Hon'ble Apex Court in ***State of Kerala V/s. Rasheed (2019) 13 SCC 297***. Wherein the Hon'ble Apex Court has given elaborate directions to the Trial Court and detail procedure to be followed by the Trial Court in taking criminal case.

5. Perusal of *charge-sheet*, it is seen that already prosecution has furnished name of all the witnesses. Copy of *charge-sheet* is already supplied to the accused by the committal Court in compliance of Sec.207 of Code of Criminal Procedure. In the reply, prosecution specifically contended that, prosecution is not going to examine any other witness other than mentioned in the *charge-sheet*. So, question of examination any other witness, whose name is not listed in the *charge-sheet*, does not arise.

6. Coming towards the next point regarding order of examination of witnesses is concerned, taking into account, the ratio laid down in the ruling cited (*supra*) it is incumbent upon prosecution to disclose order in which witnesses are going to be examined. Therefore, it would be appropriate to direct the prosecution to disclose the said fact to the Court so that accused may get clear notice and order of examination of witnesses. Hence, following order is passed -

ORDER

1. Application Exh-12 is hereby allowed.
2. Before actual commencement of trial, prosecution shall furnish order of examination of witness and then shall strictly follow the same.
3. Application Exh-12 stands disposed off accordingly.

**Date : 02.03.2023**

(Deepak D. Almale)
Additional Sessions Judge,
City Civil & Sessions Court,
Gr. Bombay.

Dictated on :02.03.2023
Transcribed on :02.03.2023
HHJ signed on :02.03.2023

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

UPLOAD DATE AND TIME : 02.03.2023, 04.16 pm.

NAME OF STENOGRAPHER : Mr. Harshal D. Jagtap
(Stenographer Grade-I)

Name of the Judge (With Court Room No.)	HHJ Deepak D. Almale C.R. No.45
Date of Pronouncement of JUDGMENT/ORDER	01.03.2023
JUDGMENT/ORDER signed by P.O. on	01.03.2023
JUDGMENT/ORDER uploaded on	02.03.2023