

R.C.C. No. 398/2002
ORDER BELOW EXH. 1125

1. Accused No. 7 has filed present application and thereby prayed to grant three weeks time from the date of receipt of certified copies of the exhibited documents and articles for recording his statement under Sec. 313 of Code of Criminal Procedure.

2. It is contended that the advocate who was conducting his matter is not appearing before the court due to illness. Therefore the accused is unable to obtain the required documents from his advocate. It is further contended that he is in the process of applying for certified copies of the marked exhibits and articles, and the same are awaited.

3. It is further contended that without perusal of the exhibited documents and articles which were relied upon by the prosecution witnesses, he would be seriously handicapped in giving statement under Sec. 313 Cr.P.C. which would cause grave prejudice to his defence. Hence he has prayed to grant three weeks time from the date of receipt of the certified copies of the exhibited documents to enable him to give his statement under Sec. 313 Cr.P.C.

4. Prosecution has taken strong objection on this application by filing its say on the back side of the application. It is contended that the application is baseless. It is further contended that certified copies of the required documents are not required for recording of statement under Sec. 313 of Cr.P.C. It is further contended that the present matter is time bound matter and already sufficient time has been granted to the accused. Hence further three weeks time should not be granted to the accused. Hence on all these grounds prosecution has prayed to reject the application

5. Heard Ld. Advocate Shri. B.R.Mane for accused No. 7 and

Shri. V.S.Shevalkar Ld. APP for the State.

6. Perusing application, say thereon and considering submissions it appears that the present matter is fixed for recording of statement of accused No. 7 under Sec. 313 of Cr.P.C. Perusal of record shows that the present case is pending since the year 2002. Further as per the directions of the Hon'ble Apex Court the matter is required to be disposed of on or before 15.07.2026. Further record shows that the evidence of the prosecution came to be closed on 31.10.2025 by passing an order below Exh. 1. In the said order it was specifically mentioned that matter is posted for recording of statement of all the accused under Sec. 313 of Cr.P.C. and all the accused are directed to remain present on 07.11.2025 for recording their statements. However thereafter the present accused remained absent on 07.11.2025 as well as on 12.11.2025 and therefore statement of remaining accused were recorded on 12.11.2025 and matter posted for recording of statement of present accused on 17.11.2025. Since then on one pretext or other, the accused No. 7 is remaining absent and avoiding to record his statement under Sec. 313 of Cr.P.C.

7. Now the accused has filed present application and thereby submitted that he is applying for certified copies of the exhibited documents and articles and after getting those copies, he will require three weeks time to give his statement under Sec. 313 of Cr.P.C. As stated herein above the evidence of the prosecution came to be closed on 31.10.2025 and the matter was posted for recording of statement under Sec. 313 of Cr.P.C. on 07.11.2025. The accused No. 7 was present before the court on 31.10.2025 when the evidence of the prosecution was closed and directions were given to remain present on 07.11.2025 for recording

of the statement under Sec. 313 of Cr.P.C. Therefore the accused could have filed the present application earlier. However inspite of having sufficient opportunities the accused failed to apply earlier for the reasons best known to him. The entire conduct of the accused No. 7 shows that he is unnecessarily prolonging the time bound matter.

8. Nevertheless, in order to give fair opportunity to the accused to give his statement under Sec. 313 of the Cr.P.C., one week time is granted to the accused to obtain certified copies of the required documents. Bench clerk of this court is directed to supply the certified copies of all the required documents as per rules to the accused within one week of receipt of application from the accused. Accused is directed to submit the application mentioning the proper description of all the required documents alongwith their exhibit numbers to the court within two days. If accused failed to apply within two days, then no further time will be granted to the accused for applying for certified copies of the required documents. Accused No. 7 to note and comply accordingly.

Date:- 24/02/2026

(Smt. Pradnya V. Medhe)
Addl. C. J. M.Osmanabad.

CERTIFICATE

I affirm that, the contents of this P.D.F file judgment / order are same word to word, as per the original Judgment.

Name of stenographer	---	M.K.KULKARNI - GRADE-II
Court	---	Addl. Chief Judicial Magistrate,Osmanabad
Date of Dictation	---	24/02/2026
Typed on	---	24/02/2026
Order signed by the Presiding Officer on	---	24/02/2026
Order uploaded on	---	24/02/2026