

R.C.C.No. 398/2002
State / Pawanraje and others

ORDER BELOW EXHIBIT NO.1311.
(CNR No. MHOS03-000396-2002)

Accused No.7 viz. Sanjay Hariram Agrawal has filed present application and thereby prayed to set aside order passed below Exh.1 on dtd. 20.07.2026 whereby his evidence came to be closed. It is contended that, in order to prove his innocence, he wants to lead defence evidence. He requested to give an opportunity to defend the case by leading defence evidence. Hence, he has prayed to set aside above said evidence close order.

2. Prosecution has filed it's say on the backside of the application and thereby taken strong objection on the present application. It is contended that, in the present matter, the accused No. 7 had already given fair opportunities to examine defence witnesses and thereafter his evidence was closed. Now, no further opportunity can be given to accused No.7 as the matter is made time bound by the Hon'ble Supreme Court of India. Hence, the prosecution has prayed for rejection of the present application.

3. Heard both sides at length. Learned Advocate Shri. S.S. Tambe for accused No. 7 and learned A.P.P. Shri. Shewalkar have argued in the line of their application and say respectively.

4. Perused the application and say thereon. Perused the record of the case. Before going into the merits of the matter, first

of all it is necessary to mention here that, the present matter is of the year 2002. Further, Hon'ble Supreme Court of India in Petition(s) for Special Leave to Appeal (Cri) (Nos.)10625-10626/2024, vide its order dated 09.01.2026 has specifically directed to this Court to make an endeavor to dispose of the matter within a period of six months after framing the charges. The charge has been re-framed on 15.01.2026 and therefore, as per the directions of Hon'ble Apex Court, the present matter was required to be disposed of **on or before 15.07.2026**. However, due to non co-operation of the present accused No.7, the matter could not be disposed of till 15.07.2026

5. Now, so far as, present application is concerned, it appears that, the accused No. 7 has filed present application for setting aside evidence close order passed against him on dtd. 20.07.2026. Perusal of record shows that, when the matter was posted for defence evidence of accused No.7, he had filed an application for issuance of witness summons vide Exh.1255 on 07.07.2026. The said application came to be allowed and summons was issued to the witness who was residing at Kolkata (West Bengal State), which returned unserved with the report that the witness has left the address prior to 15 years and the witness is now dead. Further, on 15.07.2026, by passing an order below Exh.1, specific directions were given to the accused No.7 to produce the list of the witnesses to whom he wants to examine as a defence witnesses. Thereafter, the accused No.7 filed an

application below Exh.1285 and thereby prayed for issuance of witness summons to the Registrar of Company, Pune, Maharashtra. The said application came to be rejected and thereafter, defence evidence of the accused No. 7 came to be closed.

6. Now, the accused No. 7 has filed present application for setting aside the above said order and he has also filed another application at Exh.1316 for taking the fresh list of witnesses on record. The entire conduct of the accused clearly shows that, the accused is using delaying tactics and thereby prolonging the time bound matter. Nevertheless, in the interest of justice and in order to decide the matter on merits, an opportunity should be granted to the accused No.7 to lead his defence evidence. Further, considering the conduct of the accused, costs should be imposed upon the accused while granting the application. Hence, in view of above said discussion, I pass the following order:

ORDER

Application at Exh.1311 is allowed subject to cost of Rs.3,000/-.

Date :- 06.08.2026.



Digitally signed by
PRADNYA VASANT
MEDHE
Date: 2026.08.06
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(Smt. Pradnya V. Medhe)
Chief Judicial Magistrate,
Osmanabad.