

Daily Status

CCH1 PRL. CITY CIVIL and SESSIONS JUDGE

In the court of :CCH1 PRL. CITY CIVIL AND SESSIONS JUDGE

CNR Number :KABC010352432018

Case Number :SPL.C/0000872/2018

RAJA RAJESHWARI NAGARA PS **versus** A1 AMOLA KHALE ALIAS BAYI SAB ALIAS TOPIWALA BAYI SAB ALIAS CHOTE
BHAYI SAB ALIAS SANJAYA BANSARE

Date : 27-05-2022

Business : A-1, 2, 5, 6, 7, 8, 11, 13, 14, 17 and 18 are produced from JC through VC. A-3, 4, 9, 10, 12, 16 are not produced from J.C. CW- 1 present. It is submitted by counsel for A-3, 4, 9, 10, 12 and 16 submit that these accused are housed in Arther Road Jail, Mumbai and their presence is required for the trial. They also file an application u/s.273 of Cr.P.C. that these accused may be secured from Mumbai Jail. On hearing both the sides, the request by defence to physically make these accused to be present during the trial is not feasible as their presence by video conferencing may be secured. Virtual presence having been accepted as the mode of presence before the court, the said prayer is rejected. The jail authorities at Bengaluru and Arther Road Jail, Mumbai are directed to ensure the virtual presence of the accused during the trial. The request by the defence counsels to contact their clients while they were in jail to obtain instructions is permitted and the jail authorities are directed to provide facility to have conversation either physically or telephonically with them. With these observations, the application is disposed off. Learned Spl.P.P submit that the CW- 1 do not identify any of the accused and therefore her evidence may be recorded. The presence of the accused during trial being the basic tenet of any trial, such prayer in the absence of consent by the defence is not sustainable. After having case management hearing, both the sides agree that the trial will be fixed for one week continuously on day to day basis in a month and as per the convenience of the parties. The learned Spl.P.P shall file a memo indicating the witnesses that he is going to examine during such session of one week. It is made clear that the witnesses are to be cross examined continuously after the examination in chief and if the defence wants to cross examine a particular witness after another witness is examined, an application to that effect has to be filed in advance. The parties are impressed upon not to file any application for recalling of the witnesses and it is made clear that any such move would entail heavy costs. The CW- 1 is informed that her evidence would be recorded once the presence of all the accused is ensured by this court. Registry is directed to ensure the virtual presence of the accused who are housed in Mumbai Jail. The next session of the trial would be between 4th to 8th of July 2022. Office is directed to issue summons to the witnesses as per the memo that would be filed by the learned Spl.P.P. For further case management hearing if any and to ensure the presence of the accused who are in Mumbai, call on 4.6.2022. JC of accused is extended till 4.7.2022.

Next Purpose : HEARING

Next Hearing Date : 04-06-2022

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