

MHPU040820772024



SCC No. 73377/2024

Satyaki Savarkar Vs. Rahul Gandhi

Order Below Exh. 118

1. Complainant filed this application for seeking explanation pertaining to para Nos. 11 and 13 of the Exh. 117 filed by accused on 27.11.2025 under section 309 of the Cr.PC.
2. Complainant stated that, the contentions at para Nos. 11 and 13 of Exh. 117 filed by the accused are serious in nature and mud slinging on the conduct of the complainant. It also casts some doubt on functioning impartial judiciary system. It is stated in the para Nos. 11 of Exh. 117 that, complainant managed to secure the order of issuance of summons against the accused not on the strength of any cogent material, ---- before this Hon'ble Court. The allegations are baseless. The accused has raised serious doubt on functioning of the Court. The Predecessor of this court after analyzing all the evidence, issued process against the accused. Therefore, complainant prayed to seek explanation from the accused.
3. Accused filed his clarification at Exh. 122 stating that, there is no provision to seek explanation or clarification from the accused. Complainant is delaying the matter. Complainant failed to lead his evidence. Complainant has pointed out complainant's own procedure from evidentiary failures and chronic delaying tactics. Complainant compels the defense to disclose his defenses. Complainant is filling lacuna in his case. Hon'ble Supreme Court in In

Re: expeditious trial cases against MPs/ MLAs Sumoto Writ (Criminal) No. 1 of 2017 has repeatedly directed all Special court to conduct the trials of MPs/ MLAs day to day without any unnecessary adjournments. Hon'ble High court has also directed to disposed off the cases expeditiously. Complainant has to prove his case. Complainant is delaying the matter. Lastly, he prayed to direct the complainant to complete his chief examination without further delay, as mandated under section 309 of the Cr.P.C.

4. Heard both the Ld. Advocates of the respective parties at length. Read a written notes of the arguments and citations filed by both the parties. Perused section 309 of the Cr.P.C. Perused the directions of Hon'ble Supreme Court and Hon'ble High Courts given time to time and the citations quoted by the accused. It is settled law that, once trial has commenced, it should be conducted day to day. If court is of opinion that, an adjournment is to be granted then court has to record reasons for adjournments. The accused has raised some doubts on the functioning of the Court in para Nos. 11 and 13 of Exh. 117. Accused stated in para No. 11 that, complainant managed to secure the order of issuance of summons against the accused ----- . In para No.13 accused further stated that, complainant succeeded in obtaining the summoning order through over reach rather than through lawful proof ----- . This court finds that, if accused has any grievances against the issuance of summons order then he should challenge it before the appropriate Court. But, he cannot make any comment on the order which he did not challenge. Either he has to accept the order or he has to challenge the order before the appropriate court. Therefore, this court directs that, accused shall not

make any comment on any order which has become final or unchallenged. Therefore, this application is disposed off as above direction.

(Pronounced in Open Court)

Pune.
Date : 02/12/2025


Digitally signed by
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SHINDE
Date: 2025.12.02
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(Amol Shriram Shinde)
Judicial Magistrate First Class,
Court No.9, Pune.