

IN THE COURT OF ADJ-XII, AURANGABAD
Sessions Trial Case No . 01/2020 Mali P.S. Case No. 32/2018

08.03.2021

1. Out of the 5 accused persons namely Bigan Yadav, Binod Yadav, Presh Yadav, Anand Yadav & Pappu Yadav. Attendance has been filed on behalf of Binod Yadav and Anand Yadav. It seems that a representation petition has been filed on behalf of Bigan Yadav, Pravesh Yadav and Pappu Yadav. Attendance of the prosecution has also been filed.
2. Case called out none appears on behalf of either side. Court kept waiting and calling again and again but of no avail. Record perused.
3. Perusal of record shows that this court has made a lot of efforts to procure the attendance of the witness and all witnesses have been examined. It was due to corporation of Superintendent of Police that this record was on verge of maturity last year itself but unfortunately got lingered due to pandemic.
4. Order dated 08.04.2020/02.01.2021. The court issued process against the sole remaining doctor namely Dr. Sunil Kumar. The copy of order was also sent and a proper response was shown by the police and this doctor was present on 15.01.2021 when learned APP acting prejudicial to the justice did not file the attendance of the doctor who was present in the court and was ready to depose. Such act of the learned APP was reputed to Learned PP vide PB No. 362 dated 27.01.2021.
5. It be also mentioned that despite repeated direction of this court for the accused persons to remain physically present they are not obliging the direction of the court. And they are filing representation and probably false attendances. Representation remaining not pressed.
6. Under the circumstances, today's attendance and representation of the accused persons stands rejected. All accused persons are directed to be physically present next date failing which their bail bond shall be positively canceled.
7. **Let a summon be issued against Dr. Sunil Kumar Sadar Hospital, Aurangabad for his deposition. Let a copy of this order be forwarded to DM Aurangabad for taking action against the prosecution for prosecution's conduct on 15.01.2021. Let one copy of order also be forwarded to SP Aurangabad to acknowledge his corporation as mentioned above also a direction to SP Aurangabad to ensure that the doctor is present for deposing next date also let one copy of summons be sent to Civil Surgeon, Aurangabad. Let one copy of order also be forwarded to Civil Surgeon, Aurangabad who would ensure the information of the date of evidence to the Dr. Sunil Kumar. Let one copy of order be also forwarded to SHO, Mali for his duty as mentioned in Rule No. 34 of GRCO Criminal of Hon'ble Patna High Court to cause the attendance of doctor-witness. Let this order be seen by learned APP, learned counsel for defence.**
8. Put this record again on 18.03.2021 for Doctor's evidence.

ADJ-XII Aurangabad