



Sessions Case NO. 183/1991

Order Below Exh.1

1) Regard being had to the record and proceedings of present Sessions, bearing No. 183 of 1991, it appeared that it has been registered in the year 1991. Though, the summons had been issued repeatedly to the accused namely - PRABHATSINH SOMABHAI CHAUHAN but returned unserved with an endorsement that the accused had left from his known address and his whereabouts is unknown. The serving agency has put in its best efforts but the accused herein could not be served with summons. On account of breach of terms and conditions of his personal bond, the non-bailable warrants were repeatedly issued, but their execution could not be made for the same reasons which are assigned here-in-before. As a last resort and to make substantial justice to both the parties, the present Court was left with no choice but to proceed under Section : 299 of Code of Criminal Procedure. The reason is that Court was satisfied objectively that the accused herein has absconded and in the near future, there is no possibility of securing the presence of accused herein for the purpose of standing trial.

2) Having recourse to Section : 299 of Code of Criminal Procedure, the present Court has recorded the evidence of the prosecution side. Now, these evidence are preserved and protected. As and when, the

accused herein be arrested and brought to face trial, at that time, the said evidence would be utilized against him subject to the conditions laid down in said section.

3) Unless and until, the accused be brought to face trial by the Investigating Officer and Police Machinery, this Sessions Case is nothing but one statical data only. Keeping this Sessions pending on the data-base of this Court would not at all be serving useful purpose, instead of that, it is better to direct the Investigating Officer, the in charge current officer of the Police Station concerned and since, this is visitation offence, it is the duty of Mr. SP to take special interest in the matter so as to dispense justice to the victim as well by bringing accused to face the trial.

4) Against this backdrop, the Investigating Officer, in charge current Police officer of Godhra Taluka Police Station and Mr. Superintendent of Police, Godhra, Dist. Panchmahals need to be directed to arrest the accused and bring him for standing the trial. With these observations, the following final order is passed :-

FINAL ORDER

The present Sessions stands removed from the file and statical data of the present Court subject to following conditions :-

a) The Investigating officer / In charge current police officer of Godhra Taluka Police Station and Mr. Superintendent of Police, Godhra, Dist. Panchmahal shall put in all the efforts to arrest the accused herein as early as possible and shall bring the accused herein to stands trial as soon as possible.

- b) The offence is a cognizable offence, therefore, they can arrest the accused without having any warrant from the Court. Eventhough this court has issue warrant in the under Sec. 70 of Cr.P.C. against the present accused
- c) However, if need be they may have the warrant from the Court for arresting the said accused.
- d) As and when, the accused is arrested, the any of the above police officers shall bring the accused to the present Court for facing the trial.
- e) On bringing the accused herein for facing the trial, the present sessions shall automatically be revived.
- f) In the meanwhile, all the above named police officers shall make concerted efforts to bring the accused for standing the trial for alleged offence and they shall monthly make report to the present Sessions Court for taking the steps to arrest the accused herein.
- g) As a parts of those attempts, they shall detail everything in their report like they have searched out the accused in so and so places, they have alerted IB, LCB, CID and Raw to get the whereabouts of the accused herein and get him arrested and any other actions that may be taken for arresting the accused.
- h) These police officers shall on the 1st day of the month submit such report keeping in loop Mr. District Government Pleader who shall in turn supervise entire activity of Investigating Officer and other police officials in this area. If DGP finds that there is no proper search of the accused, then, he may be free to inform Mr. Secretary, Home Department, State of Gujarat in the matter.

- i) The copy of order must be sent to Godhra Taluka Police Station, S.P. Office of Panchmahal Dist., DGP Office, Dist.Court, Godhra through Yadi.

Dt. : 30/11/2022

Place : Godhra.

(Hardik P. Mehta)
5th Addl. Sessions Judge,
Panchmahal-Godhra.

(Code - GJ-00629)