



IN THE COURT OF PRINCIPAL DISTRICT JUDGE
AHMEDABAD (RURAL) @ AHMEDABAD

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GCTOC Spl. Case No.1 of 2020

The State of Gujarat

...Complainant

VERSUS

Bijendra Goswami and others

...Accused

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Order below Exh.129

- 1.. Prosecution has filed this application u/s 82 of the Cr.P.C. and prayed to declare the accused No.8 Alok @ Kunj Shivkumar Varma as absconding offender.
- 2.. Ld. Spl. Public Prosecutor Mr. Amit M. Patel appearing for the prosecution submits that trial is conducted against total 8 accused persons. Referring to the Report of the I.O. vide Exh.123 dt. 18/4/2024, Exh.125 dated 2/5/2024, Exh.126 dated 16/5/2024 and Exh.128 dated 30/5/2024 further submits that accused No.8 Alok Varma, after being granted 10 days temporary bail by Hon'ble High Court vide order dt. 26/2/2024 recorded in Cri.Misc.Appl. No. 3718/2024, the accused was supposed to surrender before the jail authority on expiry of the temporary bail period, but he jumped the bail. Thereafter

Non Bailable Warrants (NBW) were issued on 9/4/2024 and on 18/4/2024 but he was not traceable in Ahmedabad city nor in his native place Ayodhya, Uttar Pradesh. Thereafter again NBW was issued by the Hon'ble Court and when the police visited Uttar Pradesh, the police team got to know that he had visited his home on 23/3/2024 and stayed there till 31/3/2024 and then left the place and no one there could state anything about his whereabouts. It is stated that accused no.8 has absconded and concealing himself so that NBW cannot be executed, hence prayed to issue directions u/s 82 of Cr.P.C. in the interest of justice.

3.. Heard Ld. Spl. Public Prosecutor appearing for the State and have gone through the record of the case. It appears from the record that accused No.8 Aalok @ kunj Shivkumar Ramlakhan Varma had lastly appeared before this Court on 12/3/2024 through Video Conference from jail. It further appears that after having been granted temporary bail for 10 days by Hon'ble High Court vide order dt. 26/2/2024 recorded in Cri.Misc.Appl. No. 3718/2024 the accused jumped the temporary bail and has been absconding since then. As per the reports of the investigating agency Exh.123, 125, 126 and 128 referred above, the NBWs issued against the accused No.8 are returned unserved and whereabouts of the accused No.8 is not known in Ahmedabad city and not even in his native place Uttar Pradesh. It appears that accused

no.8 is hiding himself to avoid service of NBW. Under the circumstance in order to commence trial further against other accused persons in absence of the accused No.8, proclamation as "absconder" is required to be published in a daily newspaper circulating in the place in which the accused no.8 resides as per Sec. 82 of the Cr.P.C. Accordingly, following order is passed in the interest of justice.

-: O R D E R :-

The application is allowed.

Proclamation be published in a daily news papers, in English & Vernacular languages against Accused No.8 Aalok @ kunj Shivkumar Ramlakhan Varma, Add: Paglabhari Kalyan Bhadrassa, Police station: Pura, Kalandar, Tal: Sohaval, District: Ayodhya, Uttar Pradesh as absconder.

The prosecution agency shall carry out all the procedure of publication of proclamation in the daily newspapers circulating in the place in which the said accused No.8 ordinarily resides at their own.

Pronounced in the open Court today, this 13th day of August, 2024.

Date:13/8/2024

(Kamal M. Sojitra)
Principal District & Sessions Judge
&
Spl. Designated Judge(GujCTOC)
Ahmedabad (Rural).
(Code : GJ01494)

vsb