

ORDER BELOW EXH-01

Heard, the learned APP. Perused the case papers, record, and proceedings.

It appears that Accused Nos. 01 and 02 have been continuously absent before this Court for a considerable period. This Court had issuedailable warrants against the said accused on multiple occasions to secure their presence; however, all such warrants have remained unserved.

Subsequently, notices were issued to the sureties of the said accused persons, calling upon them to produce the accused before the Court. However, those notices also could not be duly served, and the sureties have failed to secure the presence of the accused persons.

From the record, it is evident that despite repeated coercive measures undertaken by this Court, the presence of Accused Nos. 01 and 02 could not be procured. There is no reasonable prospect of securing their presence in the near future. Their continued absence is likely to cause undue and protracted delay in the disposal of the case.

In such circumstances, this Court is satisfied that the conditions contemplated under Section 299(1) of the Code of Criminal Procedure, 1973 are fulfilled, warranting recording of evidence in the absence of the said accused persons.

Hence, it is hereby ordered as follows:

1. The prosecution is permitted to lead evidence in the absence of Accused Nos. 01 and 02 under Section 299(1) of the Code of Criminal Procedure, 1973.
2. The evidence so recorded shall be preserved in accordance with law.
3. The trial shall proceed further as per law.

Date:- 10/03/2026

Jhagadia

(J.S.Rathore)
Addl.Judicial Magistrate. F.C
Jhagadia