

ORDER BELOW EX.1.

1. The charge-sheet has been filed by the Investigating Officer against the accused for the offence punishable u/s 399, 400 and 402 of the Indian Penal Code, which is exclusively triable by the Court of Session.
2. Perused the charge-sheet, statements of witnesses, and other materials placed on record.
3. Today, **accused Nos. 2,3 and 4** are present before the Court. Copies of the police report and other documents, as mandated under Section 207 of the Code of Criminal Procedure, 1973, have been duly furnished to them. Their plea has been recorded. Upon being questioned, they have expressed their intention to engage a private counsel for their defence before the Hon'ble Court of Session.
4. As regards **accused No. 1** has remained absent before this Court, despite repeated issuance ofailable and non-ailable warrants by this Court as well as by my learned predecessor. The record reflects that despite several opportunities, their presence could not be secured. The case has been pending since the year 2018, and no fruitful result has been achieved in compelling their attendance.
5. In view of the prolonged pendency of the matter, the repeated non-appearance of accused no.1, and the fact that the offence alleged is exclusively triable by the Court of Session and considering the case of **Joginder Singh & Anr vs State Of Punjab & Anr, 1979 AIR 339** and **Shibu Soren v. State of Jharkhand & Anr., W.P.(Cri.) 274 of 2004**, which holds that the Magistrate commits the case

and not the accused. Therefore this Court finds it appropriate to proceed with committal. Thus I passed the following order.

- : O R D E R : -

- 1) Accordingly, in exercise of powers conferred under Section 209 of the Code of Criminal Procedure, 1973, the present case is hereby committed to the Hon'ble Court of Session, At. Limkheda, District - Dahod.
- 2) The R&P and muddamal of the present case be sent to the Hon'ble Court of Session, At. Limkheda, District - Dahod, through personal messenger immediately.
- 3) The Public Prosecutor be informed about the case having been committed to the Hon'ble Court of Session, At. Limkheda, District - Dahod.
- 4) As accused No. **2,3 and 4** is already enlarged on bail, he is hereby directed to remain present before the Hon'ble Court of Session At. Limkheda, District - Dahod, on 30/04/2026 at 10:30 A.M., without fail.

The order Signed and pronounced in the open Court today.

Date :-10/03/2026
Place :- Devgadhbaria.

[S.O.Garg]
Addl. JMFC, Devgadh Baria.
J.O. Code :- GJ01738.