

ORDER BELOW EXHIBIT – 185
IN SESSIONS CASE NO. 11/2020 & No. 01/2021

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Appearance:-

Mr. P.N. Bhanushali, learned advocate for the accused nos.1.

Mr. S.B. Rathod, learned advocate for the accused no.2.

Mr. C.U. Pujari, learned advocate for the accused no.3.

None for the accused no.4.

Mr. A.A. Shaikh, learned advocate for the accused nos. 1,5 & 6.

Mr. S.R. Pande, learned advocate for the accused nos.7, 8 & 9.

Mr. N.D. Prajapati, learned A.P.P. for the State.

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(1) Nitinkumar Somabhai Patel (witness) has filed the present application for exemption thereby stating that due to marriage function in his house, he is not able to come today for recording of his deposition and has prayed for exemption for today.

(2) Learned advocate for the accused no.2, has objected to the present application and has submitted that the present witness is remaining absent for the last several date of hearings and then further stated that Examination-in-Chief of the said witness was recorded in the month of March, 23 thereafter, since then, he is avoiding to come to the court. In these circumstances, he has prayed to reject the present application.

(3) On perusal of the record, it transpires that the Examination-in-Chief of the witness was recorded in the month of March, 23, thereafter, he remained absent, further, on the last date of hearing that is 29.04.2023 bailable warrant was issued against the said witness and the said bailable warrant has been

received back duly executed. Despite, execution of the bailable warrant, the said witness is not present today and has filed the present application for exemption for today.

(4) Looking to the facts and circumstances of the case, one more last and final opportunity is afforded to the witness. It is directed that if the said witness namely; ***Nitinkumar Somabhai Patel*** remain absent on the next date of hearing, then, appropriate action will be taken against him. Now to come up for recording of deposition/cross-examination of ***Nitinkumar Somabhai Patel*** on 17.05.2023.

Date : 12.05.2023.
Place: Valsad.

[**Tarun V.P. Ahuja**]
4th Additional Sessions Judge,
Valsad.
(Unique ID GJ01545)