

Accused absent. E.P is filed. As no satisfactory grounds made out, The E.P filed by the defence counsel is hereby rejected.

The counsel for complainant is present.

The perusal of the order sheet reveals that, the accused is deliberately absent from last 3 dates of hearing. Sufficient opportunity has been granted to the accused to appear before the court for answering incriminating evidence appearing against him under Section 313 of Cr.P.C. But the accused has failed to appear before the court. It is relevant to note that, Hon'ble High Court of Karnataka in the case of **R.V. Kulkarni V/s. Dakshina Murthy in Crl.R.P.No.437/2010** has held that, “ ***If the accused does not appear for long time in the proceedings and then the accused cannot take benefit that it vitiate the proceedings for non-recording of 313 statement. ”***

In the present case also the accused is absent from last 3 dates of hearing and there is no representation on his behalf which clearly goes to show that the accused has deliberately failed to appear before the court. Hence, the statement of accused as contemplated under Section 313 of Cr.P.C. is dispensed.

Advocate for complainant submits to take his arguments as heard.

To hear defence side if any  
by:28.06.2023.

**Civil Judge & JMFC.,  
T. Narasipura.**