


MHAH030072342023 	<u>COMMON ORDER BELOW EXH.37 & 38 IN S.C.C.</u> <u>NO.5399/2023.</u> <u>M/s.DSA Spirit</u> <u>Vs.</u> <u>Hotel Surbhi Permit Room & Bear Bar</u>
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By this application, the accused wants Court to cancel N.B.W. issued against him on the ground that, he could not remain present due to marriage of his daughter at his native place in Punjab. The application Exh.38 is for minimum penalty for the forfeiture of the bond. The complainant objected the application on the ground that he breached the condition of bail. Hence, application may kindly be rejected.

2. Perused the record.

3. Heard the learned Advocate from the both the sides. They argued according to their application and say.

4. After having gone through the record, it appears that, the case is stalled due to absence of the accused since 06.06.2024. Though the reason mentioned in the application appears to be probable, the case would have been continued in his absence by his learned Advocate. But that did not happen. Therefore, it has to be said that the case is delayed due to absence of the accused.

5. Considering the reason mentioned in the application, nature of the offence and stage of the case the N.B.W. is required to be cancelled with

penalty. Hence, the N.B.W. stands cancelled subject to penalty of Rs.2,000/-. The accused be released upon on furnishing fresh P.B. and S.B. of Rs.15,000/-. Inform to concern Police Station. Copy of this order be placed below Exh.38.

(I. M. Naikwadi)
7th Civil Judge Sr. Division,
Ahmednagar.

Date: 09/01/2025

CERTIFICATE

Name of Stenographer	S.S.Gandhe
Name of Court	07 th Jt Civil Judge, Senior Division, Ahmednagar.
Date of Dictation	09.01.2025
Judgment/Order signed by the Presiding Officer on	09.01.2025
Judgment/Order uploaded on	09.01.2025