

ORDER BELOW EXH-73 IN SPECIAL CASE No.296/2019

(State of Maharashtra Vs. Avinash @ Akshay Ashok Chavhan & ors.)

By way of present application, the applicant/accused No.1 Avinash @ Akshay Ashok Chavhan, No.2 Akshay Babasaheb Darkunde, No.3 Dnyaneshwar Dagadu Barde and No.4 Vikas Pandurang Jadhav have requested for cancellation of NBW issued against them as they failed to remain present to the dates of trial.

2. Perused the application and say. Heard Learned Counsel Shri. B.B. Kale for the applicants/accused and Learned SPP Shri. M.S.Kale for the state. The application is vehemently opposed by the prosecution on the grounds of deliberate absent and false reasons in the application.

3. Though it has alleged that the accused were absent as they were at outstation for earning livelihood. However, the said reason appears to be vague one. It appears from record that only accused No.2 and 4 appeared on 2nd April, 2024. Thereafter, none of the accused remain present for trial. Therefore, on 20.09.2024, NBW came to be issued against them as the applications for exemption were also not filed.

4. The matter is old one and the prosecution has strongly opposed the request of cancellation of NBW. However, it is also matter of record that the accused have already secured bail on merits and they are ready to remain present on future dates, no purpose of prosecution going to be served by keeping the accused

behind the bars. Hence, in my view, NBW issued against them is required to be recalled and cancelled on condition of payment of penalty of Rs.2,000/- each. Hence, I pass the following order :

ORDER

1. Application Exh.73 in Special Case No.296/2019 is hereby allowed.
2. NBW issued against applicant/accused No.1 to 4 vide Order dtd. 20.09.2024 is hereby recalled and cancelled on condition that they shall pay penalty of Rs.2,000/- (Rupees Two Thousand Only) each.
3. This application stands disposed off accordingly.

(Dictated and pronounced in open court)

Date : 10.10.2024

(Vinod Y. Jadhav)
Special Judge & Addl. Sessions Judge,
Newasa
JO Code : MH002455