

**ORDER BELOW EXH.1 IN RCC NO.281/2022**

Perused the record. Case is pending for hearing. Accused is present. As per record, on 4/8/2023, when accused was an undertrial priosner, considering such fact, summons was issued to numerous witnesses and witness Nos.2, 3, 4, 7, 9, 10, 11, 15 were present before the Court. However, on that day, the the Ld. APP has made oral submission that the report of handwriting expert is necessary without which, the witnesses present on that day cannot be examined. Hence, next date was given and the witnesses could not be examined. Thereafter, the accused was released on conditional bail on 16/8/2023 in view of the order of Hon'ble Bombay High Court, Aurangabad Bench dated 9/8/2023 by depositing Rs.5,00,000/- and the remaining amount of Rs.14,75,000/- to be deposited by the accused in the trial Court within period of 6 months. Meanwhile, on 4/8/2023, 8/11/2023, this Court had issued letter to the I.O. about filing the report of handwriting expert. However, no report was filed. Thereafter, accused was granted further 3 months of time from 15/2/2024 to deposit the remaining amount as a part of conditional bail. However, the accused has not deposited remaining amount as directed in conditional bail order. This Court again issued letter to I.O. on 3/5/2024 and 10/5/2024 about filing the report of handwriting expert urgently. However, no reply has been given to those letters issued by this Court. Hon'ble Supreme Court of India has granted 3 weeks time to the petitioner accused to surrender and the special leave petition has been dismissed. Hon'ble Supreme Court has directed to expediate the trial.

Today, two witnesses namely Yuvraj More and Uttam Auti were present at 11.30 a.m. At that time, accused was absent when called. The witnesses were informed to wait through the clerk. Now, this Court has waited till 1.45 p.m. Still, the advocate for accused has not appeared. Ld. APP is also absent and not present till 1.45 p.m. Hon'ble Supreme Court has

directed to expediate the matter. The witnesses are not present now when called. Accused is present in the Court room and he has filed an application to be given free legal aid. Accordingly, necessary order has been passed below said application. On the other hand, despite numerous reminders to the I.O. and the Court orderly is also informed orally to intimate the PI. of the Parner police station to file report of handwriting expert. However, no written reply has been received to this Court from Parner police station in view of the letters issued to I.O. with intimation to Superintendent of Police, Ahmednagar on 3/5/2024 and 10/5/2024. It is necessary that the case needs to be proceeded expeditiously in view of the order of Hon'ble Supreme Court. Hence, all the parties concerned shall take note and take steps to proceed.

Date : 31/05/2024

( N. S. Sabnis )  
Judicial Magistrate First Class  
Court No.3, Parner.