

ORDER BELOW EXH. NO. 1
IN SPECIAL CASE NO.34/2023

(State of Maharashtra Vs. Aniket Randhir Morpankhe)
(CNR No. MHAK050004912023)

The accused in this case is under-trial prisoner. He came to be arrested on 19.07.2023. Since then he is behind bars. Witness summons was issued to Dr. Avinash Attarkar for 5 times. He never responded thereto. He remained continuously absent. Owing to his absence though served and non-response to witness summons, bailable warrant of Rs.100/- was issued to him. Still he did not bother to remain present in the Court. Even today, though witness summons is issued to him, he has stated to police that, he has gone out with his family. Police Head Constable Smt. Jyoti Telgote – Hiwarkhed Police Station submits in the Court that, Dr. Avinash Attarkar is intentionally avoiding service of summons upon him. She states that, wife of Dr. Attarkar receives phone calls made to him and intentionally states that, Dr. Attarkar is out of station. Ld. APP Smt. Sahare makes statement that, she had made phone call to Dr. Attarkar today and was appraised to remain present in the Court to depose as witness. However, Dr. Attarkar initially admitted that, he was speaking from the other end of the phone and when he was told that he would be required to remain present in the Court as witness or on V.C. as witness, he immediately changed his voice and told that, he was father of Dr. Attarkar.

2. The above facts, circumstances and record would show that, Dr. Attarkar would not obey the summons. Similarly, it is proved that, Dr. Attarkar is aware of the fact that, he would be

required to remain present in the Court as witness. However, no reasonable excuse is offered by him to remain present in the Court. These circumstances lead this Court to exercise discretion of this Court to exercise jurisdiction under Section 90 of the Bharatiya Nagarik Suraksha Sanhita,2023 and in securing presence of Dr. Attarkar by issuing non-bailable arrest warrant. Hence, the order.

ORDER

1. Issue non-bailable arrest warrant to Dr. Avinash Attarkar under Section 90 of the Bhartiya Nagarik Suraksha Sanhita,2023.

Place : Akot.
Date :04.05.2026.

(B. M. Patil)
Additional Sessions Judge,
Akot.