

MHGA030003002020



In the Court of Judicial Magistrate F.C., Gadchiroli
(Presided over by Smt. V. R. Malode)

SCC No. 171/2020

State of Maharashtra,
Police Station, Gadchiroli,
Tah. Distt. Gadchiroli.

... Prosecution

Versus

1. Vijay Pandurangsingh Somwanshi,
Age 41 yrs, Occu. Labour,
R/o Uradi, Tah. Kurkheda,
Distt. Gadchiroli.
2. Vijay Kashinath Wankar,
Age 42 yrs., Occu. Labour,
R/o Gogaon, Tah. Distt. Gadchiroli.

ORDER BELOW EXH. 45

(Passed on 23/09/2025)

1. This is an application filed by the Ld. Advocate for accused no.1 for separation of trial from accused no.2. It is stated in the application that accused no.1 regularly appears before the court. On the other hand, the accused no.2 remained absent in the court continuously. Due to absence of accused no.2, the trial could not proceed further. Hence, inconvenience is causing to the accused no.1. Hence, it prayed to separate the trial of accused no.1 from accused no.2.

2. Ld. APP from the state file say and opposed the present application. It is submitted the Ld. APP that he is not declared absconded. At the same time, after recording of evidence it may go against the accused no.2. Hence, according to Ld. APP the application be rejected.

3. Perused the application, say and the record alongwith roznama. It clearly shows that, the accused no.2 did not turned up before this court from many days previously. Many times warrant came to be issued against him but in vain. The accused no.1 either himself or through his Ld. Adv. regularly present before the court. The present case is filed for the offence punishable under section 65(a), 98(c) and 83 of the Maharashtra Prohibition Act. It is alleged that both the accused were in possession of illegal liquor commonly. The fact of absence of accused no.2 is causing the delay of proceeding the present matter. The cases filed in the year 2021. Since them continuously warrant came to be issued against accused no.1. But, he did not trace out. In such situation it will be proper to separate the trial of accused no.1 as per section 317 of the Cr.P.C. from the accused no.1. Hence, I proceed to pass following order:- .

ORDER

- 1] The application is allowed.
- 2] The trial of accused no.1 as per section 317 of the Cr.P.C. from the accused no.2.
- 3] Issued standing NBW against accused No.2.

Date:- 23/09/2025

(Vasanti R. Malode)
Judicial Magistrate First Class,
Gadchiroli.