

Order below Exh. 94

Heard Ld. Adv. Shri K.K. Bhangde and Adv. Khobre at length.

2. Record shows that, plea is recorded on 13/04/2017 at Exh.43. The complainant has filed affidavit of evidence at Exh.45 on 20/04/2017. Thereafter, time was granted to cross examined the witness on 29/04/2017. No cross order is passed on 28/07/2017. Thereafter, present application is filed on 14/03/2019 i.e. after 19 months. This shows delayed conduct of accused. Matter is for statement of accused under Section 313 of the Cr.P.C. Accused is absent since long.

3. Due to absency, matter is pending. It is apparent from record that, several times NBW and proclamation are issued against accused. However, it did not serve. Thereafter, paper publication was made vide Exh. 77. Apart from this, crimes are registered against accused at Bajajnagar, Pratapnagar and Sonegaon Police Station, Nagpur. There is FIR No. 340 / 2018 against accused for disobedience of warrant. Detail orders are passed vide Exh.93 and Exh.108 in respect of conduct of accused.

4. Considering economic crisis and defence opportunity, the application deserved to be allowed on costs. Hence, following order.

**ORDER**

- 1] Application is allowed on cost of Rs.2000/-, be paid to complainant and Rs.500/- be credited to Government.
- 2] Accused is directed to furnish strict proof of residence.

Sd/-

Date:-28.07.2020

(N.C.Borphalkar)  
Judicial Magistrate F.C.  
Gadchiroli.