



ORDER BELOW EXH.08

[Passed on : 03/12/2025]

Perused the application filed by the prosecution. The prosecution prayed for recording evidence of prosecution witnesses as per Section 299 of Cr.P.C., in presence of the accused. Gone through the report of the investigating officer, and the proceedings regarding execution of processes issued against the accused. It shows that the Court had issued warrant of arrest against the accused. As the accused could not traced, proceeding under Section 82 of Cr.P.C., was initiated.

2. The proclamation under Section 82 of Cr.Pc. was duly published requiring the accused to appear before the Court, despite accused failed to appear. The accused was released on personal bond of Rs.15,000/-. Therefore, there was no detail of the property either of the accused or of his surety. Therefore, question of compliance of Section 83 Cr.P.C., Apart from that panchnama of serving officer is on record.

3. The statements of process- serving official clearly shows that the accused is absconding and there is no immediate likelihood of his arrest. I am satisfied that the accused is absconding and his presence cannot be secured without unreasonable delay, and therefore the conditions of Section 299 of Cr.P.C. stands fulfilled. Under these circumstances, and in order to prevent failure of justice, I hereby permit recording of depositions of prosecution witnesses in absence of accused, in accordance with Section 299 of Cr.P.C., so that the evidence may be preserved for future use. Hence, I pass following order.

ORDER

- 1) Permission is granted under Section 299 of Cr.P.C., to record evidence of the prosecution witnesses in absence of the absconding accused.
- 2) Issue summons to the prosecution witnesses for the next date.

Desaiganj:
Date: 03/12/2025

(Satish Gopalrao Gore)
Judicial Magistrate F.C.,Desaiganj.
JO Code MH-2902