



Sessions Case No. 57/2023
State -v- Surendra & ors.
MHGA130001432023

ORDER ON EXH.308
(Passed on 18.03.2026)

1. This is an application filed by accused No.11 for surrendering before the court.
2. Perused the application. Learned for accused No.11 submitted that accused No.11 has been arrested in other cases and he wants to surrender before this court also. He relied on judgment of Hon'ble Allahabad High Court in **Devendra Singh Negi @ Debu Vs. State of U.P. (1994 Cri LJ.1783)**. He submitted that in the said case also the accused was permitted to surrender before Sessions Court.
3. Learned Public Prosecutor opposed the application on the ground that there no supplementary charge sheet against accused no.11.
4. Recently Hon'ble Supreme Court in **Souvik Bhattacharya Vs. Enforcement Directorate, Kolkota in SLP 14476 of 2023** decided on 16.2.2024 observed that while taking cognizance of offence if the court is of the opinion that there is sufficient ground for proceeding, it may issue

summons to the accused. It was further observed that there was no order passed by Special Court issuing summons or warrant to the accused. It is further observed that in absence of any order for issuance of summons or warrant under Section 204 or under any other provisions of Code of Criminal Procedure, accused should not have been taken into custody.

5. In the present case, order of taking cognizance does not reflect that cognizance was taken against accused No.11. There is no supplementary charge sheet against him. The case is under UAPA. Section 45 of UAPA clearly points out that no cognizance can be taken without sanction from Government. Sanction order does not reflect name of accused No.11. For all these reasons, I do not find case is made out for by accused No.11 to surrender. Hence, I pass following order.

ORDER

Application (Exhibit No.308) is rejected.

Aheri.
Dated – 18/03/2026.

(Rohan B. Rehpade)
Additional Sessions Judge,
Aheri.