



IN THE COURT OF DISTRICT JUDGE-1, & ASJ, GONDIA.

SPECIAL (MCOCA) CASE No. 41/2022.

(CNR NO.MHGO010006472022)

State, PSO, Deori -Vs- Ajay @ Fauji & oth.

ORDER BELOW EXH. 301.

(Passed on this 17th day of April, 2026)

Seen application.

2. This application is moved after lapse of about five years. It is to be noted that perusal of charge-sheet goes to show that accused persons have prolonged hearing of the main case by filing bail application and subsequently lingering the said applications in the Court. Now, it appears that accused persons are also contending ground of delay of trial. It is to be noted that to some extent the prosecution is also responsible in allowing accused persons to delay the trial in as much as the prosecution is not filing prompt replies in the instant case. Similarly, the prosecution is also not remaining present for hearing of the application.

3. Applicant/accused No.14 has filed application for discharge. Reply is not yet filed.

4. Heard.

5. I have carefully perused charge-sheet and application at hand. It can be seen that, the application at hand is in the nature of defence. It is to be noted that in the instant case confession of the applicant/accused under Sec. 18 of MCOCA Act is recorded. As such, prima facie there is material which raises strong suspicion that applicant is involved in the said crime. It is also to be noted that at the time of deciding discharge application, Court is only to consider existence of grounds for raising strong suspicion. It is to be noted that the evidence required for conviction is not to be insisted upon at the stage of deciding discharge application.

6. That apart, it is to be noted that in the instant case, proper sanction order for investigation is issued under Sec.23(1) of MCOCA Act. Similarly, sanction for prosecution is also granted under Sec. 23(2) of MCOCA Act against all the accused persons. It is to be noted that the contention urged in the application at hand, nowhere disputes in specific terms. At this stage, prima facie both the said orders depicts that the present applicant is member of Organized Crime Syndicate. As such, in my mind on going through the charge-sheet there appears sufficient material to frame charge as against the present applicant also. Resultantly, the following order.

ORDER

Application [Exh.301] is hereby rejected.

Gondia.
Dated: 17.04.2026.

(A. S. Pratinidhi)
District Judge-1 & ASJ,
Gondia.