



SCC NO.1317/2021.

The State V/s. Sandesh Shah and Ors.

Order Passed below Exhibit No.20.

In all 4 Accd. are arraigned for committing an offence punishable U/Sec.21 of the Maharashtra Urban Areas Protection and Preservation of Trees Act, 1975.

(2) Accd No.4 Riyaz Ahamad Shaikh @ Rahim Babasaheb Sayyad is non attending. Accused No.1 Sandesh is represented by Mr.Khanjire, Adv.; whereas, Mr.Ladha, Adv. is representing to Accused No/s.2 and 3. Common Appln. is filed by Accused No/s.1 to 3 to state that due to non attendance of accused No.4, their case be split up.

(3) Heard. Ld.Adv.Shri.Khanjire, Shri.Ladha, Adv. and Ld.APP. The powers as envisaged in Sec.317 of the Cri.P.C. can be exercised by the Magistrate in either contingency viz. when the Accd. is appeared through his Adv. or when the accused is not represented by the pleader. The Adv. who has filed present Appln is the Adv. for attending accused. Due to non attending accused, trial of this case is hampered with; almost this case is stagnated. Law is highly allergic to procrastination. Hence, the order :-

ORDER

- (i) Application is allowed.
- (ii) Case of attending Accd. No/s.1 to 3 is split up from non attending Accd.No.4.

(Ganesh A. Ghule)
Judicial Magistrate, F.C.
Ichalkaranji.
JO Code : 2594.

Date :27/02/2024.