

Order below Exh.1 In RCC No.80/2000
(State Vs. Shivling and ors.)

Perusal of the record reveals that the accused No.1 to 3 are absent since long. In the instant case the final report has been filed alleging commission of offence punishable under section 420, 406, 407, 468 and 471 read with section 34 of the Indian Penal Code, 1860. Record shows that non-bailable warrants were issued against the accused for several times. However, presence of the accused could not be secured. Not only this but also the proclamation vide sections 82 has been published and completed for twice, still accused did not appear. Simultaneously attachment warrant under section 83 came to be issued, it also could not execute. The case is extremely old and pending since the year 2000. In such circumstances, witnesses are likely to become unavailable. Most importantly there is no immediate prospect of arrest of the accused. Thus, I hold that the delay may defeat the justice, and thus it is necessary to record deposition to prevent loss of witnesses/evidence. Further, I hold that the accused have absconded and there is no immediate prospect of securing their presence. With these reasons, following order is passed :

ORDER

1. The deposition of prosecution witnesses be recorded in absence of the accused vide section 299 of the Code of Criminal Procedure, 1973.
2. Issue witness summons to all the prosecution witnesses.
3. The In-charge of Police Station concerned is hereby directed to appoint a special police officer in this regard and ensure the presence of witnesses before the Court.
4. The learned APP to take note and act upon accordingly.
5. Concerned to comply with the above directions scrupulously even acting upon a digitally signed copy of this Order.

Date : 05.11.2025
Place : Udgir.

(Bhalchandra R. Zende)
Judicial Magistrate First Class,
(Court No.3), Udgir.