



RCC No.159/2011
State Vs. Somnath & ors.

Order Below Exh.1

1. The parties are the seeker of justice and have been awaiting since last almost 15 years. The accused have been arraigned for allegedly commission of offences punishable under sections 325, 324, 323, 504 and 506 read with section 34 of the IPC.

2. Perusal of record reveals that on 11.02.2025, learned advocate Shri. B. S. Shinde appearing for the accused has made baseless allegations against the Court and browbeaten the Court if not recorded evidence as per his whims and say. His said conduct came to be deprecated passing appropriate order below Exh.1. Thereafter the case was posted for N number of dates. Of which for some dates he appeared in this case. On 15.12.2025, prosecution witnesses namely Dr. Ranidevi Kadam and investigating officer Shri. Vilas Santram Fulari were present, however neither the accused nor their learned advocate were present. Therefore the Court was constrained to bond over those witnesses. Thereafter the case was posted on 18.12.2025. On 18.12.2025, at about 11.40 am learned advocate appearing for the accused Shri. B. S. Shinde while the Court was recording evidence in its counter case i.e. RCC No.160/2011 entered the Court hall and observed the proceeding for some time and when the time came to record depositions of the same witnesses in the instant case, he left the Court hall.

3. Before commencing the recording of evidence in this case, despite being called repeatedly called said advocate kept himself away from entering the Court hall. Therefore considering the fact that the case is about 15 years old and it being enlisted in Action Plan, 2025 in juxtaposition with some accused being senior citizen, the Court has recorded examination in chief of these witnesses. At the time of cross-examination, advocate Shri. Shinde was again called out, but all in vain. Therefore the accused were asked to secure the

presence of their advocate, to which they have replied that their advocate is busy in other court. Further this Court has asked them whether they intends to cross-examine these witnesses, to which they replied in negative. Thus, the Court was constrained to pass no cross-examination order against the accused and the witnesses came to be discharged. Thereafter the prosecution has filed closure pursis. On the strength of said pursis, the prosecution evidence came to be closed by that day itself and case was fixed for examination of the accused under section 313(1)(b) of the CrPC and posted by 20.12.2025.

4. Today, this Court has framed questions covering all the incriminating evidence against the accused and taken their responses as well. After conducting such examination, while fixing the case for next date. Accused Somnath and Bablu informed the Court that their advocate does not want to conduct the cross-examination and the case as well. Thereupon learned advocate Shri. Shinde came to be called repeatedly but he did not turn the Court. On this, the Court is satisfied that learned advocate Shri. Shinde, appearing for the accused is incapable to conduct the instant case. Considering the gross lackadaisical conduct of advocate Shri. B. S. Shinde to proceed with the case and his failure of duty to his client vis-a-vis right of accused to speedy trial and most sacrosanct principles of natural justice, his authority is hereby terminated. Advocate Shri. Shinde to take note and abstain from such lackadaisical conduct in future, which is unbecoming to an advocate, otherwise it would be reported to the appropriate authority. Since the accused are now unrepresented by any advocate, the case be referred for free legal aid to the accused. Needless to mention that the accused are at liberty to appoint an advocate of their own choice. In the event of application for free legal aid at the instance of the accused, acting upon this directions, the Taluka Vidhi Seva Samiti to provide free legal aid to the accused on top priority. Order accordingly.

Date : 20.12.2025.
Place : Udgir.

(Bhalchandra R. Zende)
Judicial Magistrate (F.C.),
(Court No.3), Udgir.