



ORDER BELOW EXH.36 IN RCC 659/2020

Usmanpasha Vs. Chandpasha

This is a private complaint filed by the complainant under section 420 and 468 r/w. 34 against accused nos. 1 and 2. Accordingly, process was issued against both accused persons. Thereafter, they appeared and furnished bail. By this application accused no.1 has sought the relief of permanent exemption on the ground that he is old aged person at resides at Latur. Therefore, it is inconvenient for him to remain present on every date before the court considering the distance. Hence, accused no.1 has prayed that he be granted permanent exemption.

2] The complainant failed to file his say. Hence this application proceeded without say of the complainant.

3] Heard. Considering the rival submission, I am of the view that the offence under which the process has been issued are not very serious in nature. It appears from the record that, the accused no. 1 is old aged and has medical issue which can be ascertain from medical certificate filed alongwith Exh.38. Further the accused no.1 has to travel on every date from Latur to Nilanga for attending the case. Considering the age factor and medical issue I find that there is sufficient and proper reason to exempt the presence of accused no. 1 in the court on each and every date. However, I am of the view that as the identity of accused no.1 is not challenged there is no

requirement of accused to remain present on each and every date, till recording his statement u/Sec.313 of Cr.P.C. Therefore, it will be just and proper to exempt the presence of the accused no.1 till statement u/Sec.313 of Cr.P.C. or till next order of the Court. Thus, this application deserves to be allowed. Hence, I pass following order:-

ORDER

- 1] The application is hereby allowed .
- 2] The presence of the accused no.1 is hereby permanently exempted till statement u/Sec.313 of Cr.P.C.

Date : 02/04/2024

(R. D. Kharate)
Judicial Magistrate F. C. Nilanga