

Sessions Trial No. 357/2022
State of Maharashtra Vs. Akash

Order Below Exh.36
(Dt.23.09.2022)

Perused the application and record. Heard, accused and his learned advocate.

2. The accused has filed this application for cancellation of NBW issued against him. The record shows that the accused is prosecuted for the offence punishable under section 302 of the Indian Penal Code. The matter is fixed for evidence. However, the accused opted to remain absent. Even, the learned advocate for the accused did not file any application for grant of adjournment or exemption. Therefore, the Court issued NBW against accused. It appears from record that the case is petty old i.e. of 2017. Since long, the accused is continuously absent. Not a single reason is assigned in the application for the previous non appearance in the Court. As such, by remaining absent in the Court without any just and sufficient reasons, the accused has violated condition of bail. As pointed out earlier, the case is petty old. In such circumstances, the possibility of again remaining absent, in the event of cancellation of NBW cannot be ruled out. It will become difficult to secure the presence of accused for trial and ultimately, it will result in prolonging the matter. Therefore, the application deserves to be rejected. Hence, the order.

ORDER

- (i) Application (Exh.36) is hereby rejected.
- (ii) The accused is remanded in judicial custody till 07.10.2022.
- (iii) The prosecution is directed to take steps for service of summons.

Nagpur
Date: 23.09.2022

(S.R.Agrawal)
Addl. Sessions Judge, Nagpur