

Order below Exh.22
in Sessions Case No.131/2016

CNR No.MHPU01-002279-2016

State of Maharashtra
Vs.
Mohammad Salman Sagir Ansari & others [4]

01] The present application has been filed by the accused No.1 Mohammad Salman Sagir Ansari for the cancellation of N.B.W. on the ground that he met with an accident of two wheeler. Therefore, his right leg has been fractured and since August 2017, he is on bed-rest. Hence, it is prayed that to cancel the N.B.W.

02] The application has strongly resisted by the prosecution that as the offence registered under Sections 399 and 402 of the Indian Penal Code, the accused is absconded since long i.e. from the month of August 2017. Hence, N.B.W. came to be issued against him on 02/06/2018. The presence of the accused is necessary. Hence, it is prayed that the application may be rejected.

03] Heard, both the sides. Gone through the Medical Certificate, dated 08/05/2018, issued by Dr. Prashant Rastogi, Orthopedic Surgeon, Merath, who advised to accused bed-rest from 02/05/2018 to 20/08/2018. Further, the Medical Certificate is annexed with the two original copies of X-rays.

04] The Learned Advocate, Shri. S. D. Shaikh for the accused submitted that the presence of the accused cannot be made available as advised by the Dr. Prashant Rastogi, who under-text to make available the accused after 20/08/2018. Therefore, he prayed that to cancel the N.B.W. issued against the accused on 02/06/2018 as the accused at relevant time was under the medical treatment.

05] Though, there not appears the date of the accident and since the accused was indoor patient of Dr. Prashant Rastogi of Merath, looking into the Medical Certificate and original copies of X-rays, when the N.B.W. was issued again, though, it appears that he is absent since August 2017, deserves to be cancelled for the reason stated in the application. Hence, the N.B.W. issued against the accused is cancelled.

06] The Learned Advocate, Shri. S. D. Shaikh is directed to make available the accused on next date i.e. **on 30/08/2018** positively without fail, else the order of cancellation of N.B.W. would stand revived automatically.

Date : 25th June 2018
Place : Pune.

Sd/-xxx
(S.P.Pingle)
Assistant Sessions Judge, Pune.

[3/3]

CERTIFICATE

I affirms that the contents of this PDF file Order are same word for word as per original Judgment.

Name of Steno : G. M. Patil [H.G.]

Court Name : Shri. S. P. Pingle
Assistant Sessions Judge, Pune.

Order Date : 25/06/2018

Order signed by
Presiding Officer on : 26/06/2018

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