

Order below Exhibit 40 in RCC. No.116/2021

Dattaray Shipkule Vs. Sagar Kanhere

This is an application filed by accused No.3 Tushar Kadam under Section 205 of Code of Criminal Procedure for permanent exemption.

02. It is the contention of the accused No.3 that he is the director and M.D of M/s Star Fire Ltd. Company and he is also partner of M/s Loren Febtech India. Both companies made equipments of Firebrick. Accused has also gone through the surgery of fistula. Therefore, doctor has advised to accused No.3 for avoiding long traveling. The distance of Pune to Indapur is near about 152 Kms, therefore he cannot not present in the Court on each and every date due to his medical problem. Therefore, he prayed for permanent exemption.

03. Per contra, application is resisted by Ld. Advocate for complainant contending that accused No.3 has filed false and illegal application. Complainant has denied all the contention of accused. Hon'ble Court has already issuing process against present accused and direction was given to accused present in the Court. Accused is trying to prolong the matter. Therefore, prayed for rejection of application.

04. Heard both learned counsels for the respective parties.

05. The record shows that accused No.3 has gone from surgery of fistula and said fact is supported with photocopy of medical certificate. The original of same also attached in RCC No.501/2018. Therefore, I am of the view that, accused No.3 has mentioned sufficient ground in the application to give him permanent exemption and also he has medical history. Hence, I pass following order.

ORDER

1. Application **Exh. 40** is allowed.
2. Accused No.3 is hereby exempted to attend the court till recording his statement u/s 313 of Cr.P.C.

Dated : 03/10/2023

(S.S. Salunkhe)
3rd Judicial Magistrate, First Class,
Tal. Indapur, Dist.Pune.

I affirm that the contents of this P.D.F file judgment are same word for word as per original Judgment.

Name of Steno : M.P.Ambure

Court Name : 3rd JMFC, Tal. Indapur, Dist. Pune

Date of judgment : 03/10/2023.

Judgment Signed by : 03/10/2023.
Presiding officer on

Judgment uploaded on : 03/10/2023.