

ORDER BELOW EX.17 IN RCC NO.91/2004

This is an application filed by accused and prayed for cancellation of NBW and Proclamation issued against him. Ld. A.P.P. has filed his say and strongly opposed this application contending that accused has caused delay intentionally. It is further submitted that the matter is pending since year 2004 and if warrant is cancelled there is a possibility of absconding of accused again.

2. Perused the application and say filed thereon. Also perused record. Heard, both side.

3. Accused is charge sheeted for the offence punishable under Section 419, 470 and 471 of the Indian Penal Code. It appears from the record that accused was arrested and released on bail in the year 2004. After completion of investigation charge sheet came to be filed on 04/12/2004. Record shows that since filing charge sheet accused not appear before the Court. Summons and non bailable warrants issued against accused on several times, however, his presence could not be secured. Therefore, proclamation under Section 82 of Criminal Procedure Code came to be issued. This matter is pending since 2004 for securing the presence of accused and due to his absence matter could not be proceeded.

4. Now, accused appeared before the Court and filed this application. It is submitted by accused that at the time of registration of crime he was 26 years old. It is further submitted that after filing charge sheet initially he was remain present before the Court. It is further submitted that thereafter, he got married. He was residing at Solapur. He is a poor person, therefore, he went to Bangalore for service. He was serving at Bangalore for 11 years and now he is doing business of grossary at Bangalore. He having two daughters and his

family members are depended on him. He was at Bangalore for his service and business, therefore, he could not get information about the date of the case and warrant issued against him. It is further submitted that hereinafter he will remain present before the Court, on every date and ready to co-operate for the trial. On these grounds he has prayed for cancellation of NBW and Proclamation issued against him. Considering the aforesaid grounds it appears that one more opportunity should be given to accused. At the same time due to conduct of the accused the matter is pending since 2004, therefore, heavy penalty needs to be imposed. Hence, I proceed to pass the following order :-

ORDER

1. Application is hereby allowed as prayed.
2. NBW and Proclamation issued against accused is hereby cancelled subject to penalty of Rs. 3,000/-.
3. Accused is directed to remain present before the Court hereinafter on every date without fail.

Date :- 28/05/2026
Ghodegaon

(Santosh L. Vaidya)
Judicial Magistrate First Class
Ghodegaon Dist. Pune.