

MHPU250002992019



S.C.C./104/2019

**Shri Mahalakshmi Gramin Bigarsheti Sahkari Patsanstha Maryadit
Umbraj, Trf Bhagwan Baban Hande Vs. Vinod Vijay Dolas**

ORDER BELOW EXHIBIT NO.1
(Passed On 28/10/2025)

01. The accused is absent since long. On 07.07.2025, the complainant closed his evidence and the case was fixed for recording of statement of the accused under section 313 (1) (b) of the Criminal Procedure Code. The case is more than 05 years old. Purpose of recording the statement of the accused under section 313 (1) (b) of the Criminal Procedure Code, is purpose of enabling the accused personally to explain any circumstances appearing in the evidence against him. The accused is absent since long time. All these circumstances show that, the accused has avoided appearing before the Court. He has failed to avail the opportunity given to him to explain the evidence given against him. It was the responsibility of the accused to appear before the Court and put his submission. Court is not supposed to find the accused and to knock his doors and offer him opportunity to hear. Therefore, the accused ought to have availed the opportunity given by the Court. The conduct of the accused is not bonafide. It

is clear that, the accused wants to keep himself away from the effects of the Judgment of this case. Concept of the fair trial has to be applied in the same manner for both the sides. The complainant also has right of fair trial in the same manner as of the accused. The complainant is still waiting for the result of the judgment since long. No purpose will be served, except delayed justice to the complainant by waiting for the appearance of the accused for more time.

02. Proviso of this section enables the Court to dispense the statement of the accused in a summons case. Personal attendance of the accused is not dispense with in this case. However, considering the conduct of the accused, this provision can be used in this case. Hence, I proceed to pass following order.

ORDER

- . The case be proceeded without recording the statement of accused under section 313 (1) (b) of the Criminal Procedure Code and be kept for final arguments.

Junnar
Date: 28.10.2025

(Anant Himmatrao Bajad)
Judicial Magistrate First Class
Junnar