

MHRG010032102015



Spl. Case Drug Cosm./100003/2015

**The State of Maharashtra thr.K.T. More Drugs Inspector
Vs.
Ketan S shah and 3**

COMMON ORDER BELOW EXHIBIT 36 & 46

Perused the application Exh.36 & 46 and say filed by the A.P.P. vide Exh.40. Heard the ld. counsel for accused No.1 & 3 and also the ld. A.P.P.

2. Firstly the original matter was registered as R.C.C.No.178/2010 on 30/12/2010 and thereafter as per order of the Hon'ble High Court – letter No.A(Spl)Misc./142/2015 dated 10/03/2015 the same stands transferred to this Sessions Court by the compliance of the ld. C.J.M. on 15/09/2015 and registered as Special Case No.03/2015 on 01/10/2015 and my ld. Predecessor proceeded therewith. However since then till now the accused No.1 & 3 are persistently absent – on the pretext of being Director and busy in their business and filed exemption application every now and then.

3. Amongst this application Exh.36 moved with special averments that accused No.1 & 3 will attend the Court on the date of framing charge and statements and as directed by the Court and hence may be granted permanent exemption.

4. However it is pertinent to note that there is already evidence before charge, also the charge is framed vide Exh.53 and hence now in view of settled law the same evidence is to be continued and matter is for cross-examination of the witnesses before charge and additional evidence if any by and on behalf of the complainant state. Hence the question of identification is of prime importance and the presence of the accused No.1 & 3 is indispensable. But nothing is mentioned in this application Exh.36 that the accused No.1 & 3 shall not challenge their identity and are ready to be proceeded in absence. In the absence of this material and prime averment from 07/08/2024 this application Exh.36 was pending and the Id. Counsel was directed to remove the defect but the same was done late as on 06/11/2025 vide Exh.46 wherein it is specifically mentioned that the accused shall not dispute their identity and ready to proceed in absence.

5. Matter is more than 10 years old and included in the targeted cases list. Hence is to be speedily tried. Hence considering the same these applications Exh.36 & 46 are hereby allowed on condition that accused No.1 & 3 shall not raised dispute about their identity and shall be proceeded forthwith in their absence; and without fail; to expedite this matter and shall also attend the Court without any excuse on the date directed and ordered by the Court. Failing which this permanent exemption granted until further orders only; shall automatically and instantly stand vacated. Be noted and complied.

6. The ld. A.P.P, the ld. Defence Counsel and the B.C. shall all specifically note and expedite the matter by keeping twice in a week every Monday and Thursday sharp at 11.30 a.m. for evidence etc. and the defence counsel shall particularly and punctually conduct the matter as such. On failure to proceed with the matter it is hereby ordered that standing N.B.W. to the accused No.1 & 3 and notices to their sureties shall be issued forthwith without waiting for separate order and summons shall be issued without fail and presence of witness shall also be secured without fail.

Alibag,
Dt.: 30/12/2025

(Smt. Sunita Tiwari)
District Judge -2, Alibag-Raigad