

MHRG030001472021



(Sub Divisional Officer, Sub Division
Alibag through Mrs. Sharada Sharad
Powar Vs. Gorakshanath Laxman
Navrikar and Ors.)

CNR No. MHRG030001472021

:: ORDER BELOW EXH. 97 IN R.C.C.NO. 50/2021 ::

Perused application and say given by the learned A.P.P. Heard advocate of the accused and the learned A.P.P. Accused No. 09 Pushpa Sharad Ranade has preferred this application vide section 205 of the Code of Criminal Procedure ('the Code' in short) to dispense with her attendance till further order. The learned A.P.P. objected it.

02. The accused submitted that she is cancer patient and have gone through surgery therefore it is not possible to her to remain present on each date before the Court. The learned APP submitted that no document of treatment is filed.

03. This accused has filed document of her treatment below Exh. 145. From the said documents it appears that the accused had treatment of cancer. Admittedly, it is of the year 2020 but it also cannot be ignored that she is cancer patient and have to care.

:: 2 ::

04. The case is fixed for evidence before charge. The accused submitted that she will remain present before the Court whenever her presence is required. A Court only has to ensure smooth administration of criminal justice. If a proceeding of a case does not halt due to absenteeism of an accused, generally, his attendance can be dispensed with and in our case, the prosecution has to take steps to secure presence of witnesses. Hence, application is liable to be allowed. Accordingly, I pass the following order :

:: ORDER ::

01. The application is allowed.
02. Personal attendance of accused Pushpa Sharad Ranade is dispensed with until further order vide section 205(1) of the Code of Criminal Procedure.

Alibag.
Date : 06/04/2024.

(**S.W. Ugale**)
Chief Judicial Magistrate,
Raigad Alibag