

RCC NO.52/2016
Along with Exh.114

Order below Exh.114

- 1) Present case is 9 years old.
- 2) Present case is listed for statement of accused persons under section 313 of CrPC.
- 3) Today, accused no.1, 2, 4 & 6 are present. Accused no.5 is absent. Advocate for accused no.5 filed present application and submitted that, accused no.5 has suffered paralysis attack. Due to the said, accused no.5 is neither unable to speak nor he is unable to walk. Due to the said, accused no.5 is unable to remain present in the court for recording his statement. Thus, by way of present application, advocate for accused no.5 prayed to allow accused no.5 to file his written statement to explain or rebut the evidence presented against him. Today, wife of accused no.5 namely Ilawati Bhiku Dongare is present in the court. She also submitted that, accused no.5 is suffering from aforesaid medical condition. The medical document of accused no.5 is annexed with present application.
- 4) Ld. APP submitted to pass necessary order.
- 5) Heard both sides. Perused record and proceedings. As per section 313 (5) of CrPC, an accused can file written stated to explain or rebut the evidence presented against him. Therefore, considering the medical condition of accused no.5 and aforesaid provision, it will be just, legal and proper to permit accused

no.5 to file written statement to explain or rebut the evidence presented against him. The said written statement if filed by accused no.5 be treated as a accused statement under section 313 of CrPC. Consequently, I proceed to pass following order.

ORDER

1. Application is allowed.
2. Accused no.5 is permitted to file written statement to explain or rebut the evidence presented against him.
3. The said written statement if filed by accused no.5 be treated as a accused statement under section 313 of CrPC.

Shrivardhan
16/07/2025

(S.K. Shaikh)
Judicial Magistrate First Class,
Shrivardhan.