

**ORDER BELOW EXH. 225 IN SESSIONS CASE NO.44/2016**  
**(CNR NO: MHRT040005822016)**  
**(The State Vs. Alim Hamjamiya Sahibole & Ors.)**

1. The informant-victim has filed the present application praying that the accused no. 3 be taken into MCR till the conclusion of the trial, on the ground that the accused has travelled abroad without permission of the Court and that his passport be seized.
2. Learned Advocate for the accused has filed a detailed say opposing the application. It is submitted that the accused is ready and willing to proceed with the trial through his advocate. It is further submitted that the accused is working abroad and, therefore, seizure of passport would cause undue hardship. On these grounds, rejection of the application is prayed for with detail reply.
3. At the outset, it is required to be noted that the present application is not moved by the learned Public Prosecutor but is independently filed by the informant-victim.
4. On perusal of the record, it appears that the evidence of the informant is pending for recording since the last more than 8 years. The examination-in-chief was commenced by the learned Public Prosecutor on 11-10-2017. The accused has expressed readiness to proceed with the matter and to conduct cross-examination through his advocate.

5. It appears from the record that the informant is repeatedly making attempts to secure arrest of the accused and to have him taken into MCR. Though non-bailable warrants were issued against the accused at an earlier stage, it is not in dispute that the accused is now ready to participate in the trial through his counsel. The identity of the accused is also not in dispute.

6. In such circumstances, taking the accused into MCR would amount to curtailing his personal liberty, which is a valuable right, without any justifiable necessity. The object of criminal trial is to ensure expeditious and fair adjudication, and not to punish the accused by unnecessary incarceration when the trial can proceed without obstruction.

7. So far as the prayer regarding seizure of passport is concerned, if there is any violation of the provisions of the Passport Act or Rules, it is for the competent passport authority to take appropriate action in accordance with law, following due procedure. The criminal court is primarily concerned with the conduct of the trial and not with administrative action relating to passport unless circumstances so warrant.

8. The accused having shown willingness to proceed with the trial through his advocate, the Court does not find any merit in the present application. Rather, it is expected from the informant to co-operate with the Court for recording of evidence instead of

seeking arrest of the accused when no obstruction to trial is shown. Hence, the application deserves to be rejected. Thus, following order: -

**ORDER**

The application is rejected.

Khed.  
Date-08.01.2026.

sd/-  
( V.T. Nirgude )  
Additional Sessions Judge,  
Khed.

**S.C.No.44 of 2016, order below Exh.225**

Certificate

I affirm that the contents of this pdf file order are same word as per original order.

Name of Stenographer : S.K.Inamdar

Court Name : District Judge 2 & Addl.Sessions Judge, Khed.

Date of Decision : 08.01.2026

Order Signed by P.O. on : 08.01.2026

Order uploaded on : 08.01.2026