

(Raghunath Rayaji Yadav V/s. Pratik P. Kumar)

ORDER BELOW EXH.40

By this application the accused 2 has sought separation of trial.

It is submitted by the accused no. 2 that case is pending since last 7 years and other accused persons are not attending the hearing. It is further submitted that due to the absence of other accused persons the applicant is facing hardship. Thus the prayer for separation of trial.

The say of complainant was called. Ld. Advocate for complainant Shri Chikane has filed say to the application below exh.40. It is submitted by complainant that as this is a private complaint it can not be split up.

I have perused the record of the case. Accused no. 1 is not attending to court since the beginning of the case proceedings. Accused no. 2 remains present to court proceeding in person or through his Advocates. It appears that the accused no. 1 has absconded.

Here Advocate for complainant is argued that as the said case is private case it can not be split up. But in my consideration there is no such distinction is made under section 317 (2) of code of Cr.P.c. So I do not found any merit in the arguments adduced by the advocate for complainant. In such circumstances it will be just and proper to separate the trial of accused no. 2 from rest of the accused. Hence the application is allowed by the following order -

ORDER

1. The trial of accused no. 2 be separated from accused no 1.

Date : 16/03/2019.

Judicial Magistrate,F.C.
Khed.