

R.C.C. NO. 94/2015
The State of Maharashtra
Vs
Shriram Ganpat Dhumak etc 12

ORDER BELOW EXH. 111

This application is filed by the accused no.1,2,4, 6, 7 and 9 under section 317 (2) of Cr.P.C. for separating trial from the accused no.11. Substance of this application is as follows, accused no.3, 5, 10 and 12 of this case were died and proceeding stands abated against accused no.3, 5 and 12. Even ASI P.A. Gamare on 01.12.2021 reported that the accused no.10 was died but its death extract is not produced on record. However, the case is pending for securing presence of the accused no.10 and 11 only. In view of order below Exh.1 dated 17.02.2025 proclamation against the accused no.11 was issued on 13.03.2025 and NBW against the accused no.10. But, it is only reported that the accused no.10 is not resident of village Durgwadi, Tal.Chiplun. On 20.03.2025 API Sawarde Police Station served that proclamation through the publication on notice board of the SP office, Ratnagiri, Sawarde Police Station and Tahasil office, Chiplun. But, presence of accused no. 10 and 11 can not be secured till date and an information of movable or immovable of the accused no.11 is not produced and the death extract of accused no.10 is also not produced by the Sawarde Police Station as per section 83 of Cr.P.C.

2. Accused are charge-sheeted for offence punishable under section 205, 416, 417, 419, 420, 462 and 467 read with section 34 of IPC offence is of dated 21.04.2012 and still pending for securing presence of the accused no.10 and 11. Four of the accused were died. Now this accused are praying for separation of trial from the accused no.10 and 11. So, presence of the accused no.11 is not likely to be secured in near future. Considering long duration of the case, it will be proper to split up trial against absent accused and to proceed trial against accused no.1, 2, 4, 6, 7, 8 and 9. Hence, trial shall be split up against the accused no.10 and 11.

Sd/-

Chiplun

(Yuvraj Chandrakant Patil)

Date 01/12/2025

Judicial Magistrate F.C. Chiaplun

:-Certificate :-

I Affirm That The Contents Of This Order And The P.D.F. File Of This Order Are Same, Word To Word, As Per The Original Order.

Name Of Stenographer	Shri.M.E.Arekar
Name Of Court	Jt. C.J.J.D.& J.M.F.C.,Chiplun
Date Of Decision	01/12/2025
Order Signed By The P.O. On	01/12/2025
Order Uploaded On	08/12/2025