

MHSN030042422020

ORDER BELOW EXH.46 IN SCC NO. 3380/2020

**Aadi Arihant Mutual Benefit Nidhi Ltd., Thr. Virchandra Valvade
Vs.
Navaj Najir Mujawar**

An application is filed for dispensing with a recording of statement under section 313 of Cr.P.C., in view of judgment of Hon'ble High Court, Bombay passed in **Navneet Singh Gogia and Simran Kaur Gogia Vs. State of Maharashtra and Sushma Chandak** in Cri. Rev. Appln. No. 70/2023, decided on 20.09.2024.

2. Perused the application and authority cited by the complainant. Perused the entire record. Before proceeding with the merits of the case, lets see the chronology of the present matter as under-

- i) The present complaint was filed on 07.09.2020.
- ii) Process was issued against the accused on 16.09.2021.
- iii) Thereafter the accused appeared on 22.02.2022 and furnished bail.
- iv) The plea of the accused recorded on 22.02.2022.
- v) Thereafter the accused appeared either personally or through his Ld. advocate by claiming exemption from personal appearance.
- vi) The affidavit-in-chief of the complainant filed on 16.09.2021 and on 18.07.2025 the cross examination of

complainant was completed.

- vii) The complainant closed his evidence on 04.10.2025.
- viii) Thereafter, the matter is posted for recording of statement under section 313 of Cr.P.C. However, since then the accused is absent.

3) It is undisputed fact that after the evidence close pursis of the complainant, the accused remained absent. The complainant can not be asked to get the presence of the accused secure all the time. The accused is well aware of the pendency of this proceeding against him. Moreover, the draft of statement of accused under section 313 of Cr.P.C. is attached to the record. It does not bear the answers and signature of the accused and the magistrate due to his absence.

4) Upon the perusal of above conduct of the accused it appears that the accused has deliberately remained absent. Therefore, it can be said that, he has waived his right to answer the questions of the statement under section 313 of Cr.P.C. and lead his evidence for his defence. The accused is well aware of the pendency of this proceeding before the Court. The above conduct of the accused clearly shows that, the accused is taking disadvantage of the provisions of law and abusing the process of Court. The accused is not bother to remain present before the Court and the complainant who is already victim should not be made suffered for no fault of his. The complainant cannot be always asked to secure the presence of

the accused in the given circumstances of this case. Therefore, in view of above reasons and the citation as above, this is fit case to dispense with the recording of statement of the accused under section 313(1)(b) of Cr.P.C. and the order-

ORDER

The recording of the statement of the accused under section 313(1)(b) of Cr.P.C. is hereby dispensed with and the matter is kept for final argument.

Place : Sangli.
Date : 27/01/2026.

(Rohini S. Patil)
Judicial Magistrate First Class,
(Court no.1), Sangli.

:- CERTIFICATE :-

“I affirms that the contents of this P.D.F Judgment order are same word for word as per original Judgment”.

Name of Stenographer : Shri. S.A.Jamadar
Name of the court : Smt. R. S. Patil,
J.M.F.C., (Court No. 01), Sangli.
Date : 27/01/2026
Order signed by presiding officer on : 27/01/2026
Order uploaded on : 27/01/2026