

CNRMHSN040003322019
Sessions case No. 37/2019
The State of Maharashtra- Complainant
Vs.
Suraj Sarjerao Dabade and ors.- accused.

ORDER BELOW EXH. 1

In this case accused No.1 Suraj Dabade is under trial prisoner. Today this case is kept for recording evidence, accordingly the case is kept for hearing and witness No.1 Shivaji Madane is present but, accused No.2 Omkar Suryawanshi, accused No.3 Govind Mali and accused No.4 Viraj Karande absent. When called repeatedly till 11.45 a.m. the advocate on record for those accused Shri. Rajwardhan and Shri. Nawale are absent. No application is moved for exemption of those accused by the respective advocates giving undertaking that they are ready to conduct the matter in absence of accused without challenging their identity. Therefore, due to absence of accused Nos. 2 to 4 matter can not proceed further. The conduct of the accused nothing but to delay the progress of the trial. In view of recent judgment of Hon'ble Supreme Court in the case of **The Central Bureau of Investigation Vs. Mir Usman @ Ara @ Mir Usman Ali in Special Leave to Appeal (Cri.)No.(s)969 of 2025 (2025 INSC 1155)** the hearing of this case need to be done expeditiously but because of conduct of accused No.2 to 4 the delay is

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being caused. Hence, the following order-

ORDER

1] Issue Non bailable warrant against accused No.2 Omkar Suryawanshi, accused No.3 Govind Mali and accused No.4 Viraj Karande and notice to their sureties.

2] It is made clear that if the non co-operation of advocates on record continued, the court will be constrained to appoint legal aid panel advocate for representing accused No.2 to 4.

3] Case adjourned to 19-11-2025.

Date – 04-11-2025.

(Aniruddha Y. Thatte.)
Additional Sessions Judge Islampur.

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SECOND ORDER BELOW EXH. 1

1] In present case today in the morning this court has passed order for issuing non bailable warrant against accused Nos. 2,3 and 4 and as they were absent when matter was called.

2] At 1.20 p.m. after concluding the evidence in Session Case No. 07/2025, when accused No.1 Suraj Dabade in present case is produced before this court through V.C. from jail, accused No.2 Omkar Suryawanshi, accused No.3 Govind Mali and accused No.4 Viraj Karande also appeared from jail through V.C. and then it was made clear by accused persons that those three accused are under trial prisoners in another MCOCA Case registered at Kolhapur. As such, their absence before this court was not intentional. Ofcourse it was duty of the advocates on record for accused to bring said fact to the notice of the court. May it be so, non bailable warrant issued against accused Nos. 2 to 4 therefore stand cancelled, inform police accordingly. Accused No.2 to 4 are on bail in the present case but since they are under trial

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prisoners in another case issue production warrant for production of those 3 accused during trial.

2] On last date this court has passed an order on application filed under sect. 10 of MCOCA for stay of the case on application Exh. 32 by observing that there is no need to keep in abeyance the case under section 10 of the MCOCA. Now this case need to commence but since morning till 1.30 p.m. none of the advocate on record appeared. This case is very old and accused Suraj Dabade is under trial prisoner and therefore, I find it proper to get services of the legal aid panel advocate for accused persons to represent them. However, when said fact was explained to accused in vernacular they requested and submitted that they will secure the presence of their advocate during trial from next date onwards. With these observations the case is adjourned to 19-11-2025.

Date :- 4-11-2025.

(Aniruddha Y. Thatte.)
Additional Sessions Judge Islampur.