

CNRMHSN040010652020
Speical Case (MCOCA) No.42/2020
State of Maharashtra- Complainant
Vs.
Ajit Hanmant Patil and ors- accused.

ORDER BELOW EXH. 1

1] In this case the charge came to be framed on 06-09-2024. The prosecution moved application under section 294 of Criminal Procedure Code (hereinafter referred as Cr.P.C.) on 05-10-2024, since then the under trial prisoner accused No.2 Suraj @ Pandya Ashok Jadhav has not given say on the application filed by prosecution even after sufficient opportunity. Today also when called repeatedly Advocate Shri. B.R. Gaikwad for accused No.2 is absent. Now schedule is required to be made for examining the prosecution witnesses. However, in absence of the advocate of accused No.2 it will not be possible to proceed with the case. Today when questioned to accused No.2 Suraj, when he was produced from jail on V.C., he submitted that he had given instructions to advocate B.R. Gaikwad. However since no say came to be filed on the application under section 294 of Cr.P.C. for accused No.2, this court has informed the accused that as he being under trial prisoner he is entitled for free legal aid and accordingly legal aid panel advocate can be arranged to represent him. However, he requested a short time for instructing his advocate.

[2]

2] It can not be ignored that accused are behind the bars since 2020. This is a case in which the offences under MCOCA are invoked. This case need to be heard on priority. Because of the conduct of the accused persons the progress of the trial has delayed. Not only accused No.2 but accused No.1 and 3 are also under trial prisoners. The non cooperation by accused No.2 is causing hardship to other under trial prisoners also. By this order it is directed that if by next date accused No.2 fails to secure presence of his advocate with view to expedite hearing of the case, this court will be constrained to engage legal aid panel advocate for accused No.2. This order is explained in marathi to accused No.2 as well as other two accused who are under trial prisoners. The case is adjourned to 22/01/2025 for the say on Exh. 106.

Date : 15-01-2025.

(Aniruddha Y. Thatte.)
Special Judge (MCOCA) Islampur.