

ORDER BELOW EXH. 368

01. Surety of accused no. 13 moved the present application for removing surety mark made over her ration card. She submitted that offence under Sections 403, 406, 408, 418, 420, 468, 477(A) read with 34 of the Indian Penal Code is registered against the accused mentioned in the charge sheet. One of the accused charge sheeted was her husband i.e. Accused no.13 Sanjay Bhalchandra Dandekar. At the time of furnishing surety she had filed verified copy of her ration card in support of surety papers. That time A.S. on 13.03.2012 has made remark on original ration card as Swati Dandekar stood surety in RCC 73-2010 for accused no. 13. Said remark is still there on ration card which is creating hurdle in official work and more particularly for passport renewal purpose.

02. She further submitted that accused no.13 is discharged vide order Exh.251 on 08.08.2016 and order below Exh. 251 is not challenged till date in any Court. Therefore according to her there is no need to continue said remark for no purpose. Therefore for removing said remark present application is filed.

03. Say of accused no.13 is called. He filed his say at Exh.372 and supported applicants contention. Ld. APP filed its say and submitted for necessary order in the interest of justice.

04. Heard both advocates. It is admitted fact from record that accused no.13 is discharged vide order below Exh. 251 under section 239 of the Code of Criminal Procedure. According to the present applicant said order is not challenged till date. Ld. APP also did not make such contention. Order below Exh. 251 is passed on 08.08.2016 Court has discharged accused no.13 for not having prima facie material to proceed against him. The purpose of taking surety in the Court is only to secure

presence of accused during trial. However in this case accused no.13 is discharged hence no question of securing his presence survives. Said order below Exh.251 being not challenged attained finality. Hence I don't find any purpose would be served to continue the remark made over ration card of the applicant i.e. surety. Hence following order,

ORDER

1. Application is allowed.
2. A.S. is directed to remove the remark as surety made over ration card of Smt. Swati Sanjay Dandekar forthwith.

Date : 21.11.2022

(Smt. Ranjana Vijay Kamble)
Judicial Magistrate First Class,
2nd Court, Miraj.

C E R T I F I C A T E

I affirm that the contents of this P.D.F. file Judgment/Order are same word to word, as per the original Judgment/Order.

Name of Stenographer	:- Mr. Sandip Shankar Shingana			
Name of Court	:- 2 nd Jt. Civil Judge (J.D.) and Judicial Magistrate First Class, Miraj, Dist., Sangli.			
Date of decision / typed	:-	21	11	2022
Judgment/order signed by the P.O. on	:-	22	11	2022
Judgment/order uploaded on	:-	22	11	2022