

ORDER BELOW EXH.41 IN SESSIONS CASE NO. 63/2023**CNR : MHST01-001539-2023***(State of Maharashtra Vs. Umesh Bhalerao Bhoite)*

1] By this application accused no. 3 Umesh Bhalerao Bhoite is requested for grant of permission to enter into the village to attend the meeting of village Panchayat, Wagholi, Tal. Koregaon, Dist. Satara. on 30.11.2023.

2] By order dated 28.08.2023 in Criminal Bail Application No. 548/2023, the condition was imposed against the present accused prohibiting him not to enter into Satara district during pendency of the trial except on the date of the hearing of the case. Accused is the member of Gram Panchayat, Wagholi, Tal. Koregaon, Dist. Satara. It is contended that since the accused was absent continuously for more than six months in the monthly meeting of the Gram Panchayat hence show cause notice has been issued against him by the Block Development Officer, Panchayat Samiti as to why he should not be disqualified as a member of gram panchayat. It is further contended that the monthly meeting of Gram Panchayat to be held on 30.11.2023 and accused being the elected member of Gram Panchayat, he is required to attend the said meeting.

3] Ld. APP filed its say at Exh.45 and contended that grounds mentioned in the application are not genuine and legal. Relatives of deceased as well as witnesses are resident of same village where applicant resides. Under such circumstances, if applicant is allowed to attend the meeting then possibility of apprehension to

the lives of the relatives of the deceased cannot be ruled out. Hence, application may be rejected.

4] Ld. Advocate for the accused has produced on record the copy of the notice of proposed meeting to be held on 30.11.2023 whereby the accused is called upon to attend the meeting. It was submitted that in case the accused remain absent in the said meeting in that event he may be disqualified as a member of the Gram Panchayat.

5] In a democratic process the elected member of the Local Government has to perform his duty towards the Society. Here, in the present case, the applicant is elected member of Gram Panchayat. If he is not allowed to attend the meeting of Grampanchayat, it will not cause injustice to him alone but to the public in general and the village Panchayat not in position to take proper decision. Considering the fact that accused being the elected member of Gram Panchayat, it is necessary for him to attend the said meeting therefore, I pass the following order.

ORDER

(1) Application Exh. 41 is allowed.

(2) The accused Umesh Bhalerao Bhoite is permitted to remain present in the office of Gram Panchayat, Wagholi, Tal. Koregaon, Dist. Satara on 30.11.2023 from 10:00 noon to 1:00 PM.

Place : Satara
Date : 29.11.2023

(Ashok S. Jadhav)
Addl. Sessions Judge,
Satara.