

S.C.C. No.3651/2024

Pratik Krushnat Chavan -Vs.- Sajid Ramzan Shaikh
CNR No. MHST-0700-5216-2024.

COMMON ORDER BELOW EXH.01 AND 25

Present case is filed against the accused for offence punishable under section 138 of the Negotiable Instruments Act, 1881. After perusal of the record, it reveals that, the complainant has filed affidavit of examination in chief at Exh.5 on 07/12/2024. Further it becomes clear that learned predecessor has passed detail order of no cross, on the last page of said affidavit dated 29/04/2025. Record also shows that the complainant had filed application for issuance of NBW below Exh.22 dated 09/10/2025. As per order below said Exh.22, NBW was issued against the accused, report of the same at Exh.23 shows that the same is returned un-executed due to non availability of accused on given address. Therefore, there is a sufficient reason to believe that said accused is either concealing himself so that the warrant cannot be executed or absconded. The complainant has filed application at Exh.25. It is contention that, after evidence of the complainant matter is kept for recording statement of accused under Section 313 of the Cr.PC. Accused in the present matter frequently remains absent. He tries to prolong the matter. It is specific contention that, after recording plea at Exh.16 dated 29/03/2025 the accused has been absent. Intentional absence of accused shows that, he is avoiding process of the Court. He has mentioned case law of the Hon'ble High Court of Judicature at Bombay in ***Navneet Singh Gogia and Anr Vs. The state of Maharashtra, and Anr.*** It is further contention that sufficient opportunity was given to the accused, therefore no prejudice will be caused to the accused in case of dispensing with statement.

02. In the present matter it becomes clear that, after recording plea of the accused at Exh.16 dated 29/03/2025, the accused frequently remained absent. No adjournment or application for exemption are filed on the record. Considering conduct of the accused learned predecessor has passed no cross order passed below Exh.5 which is unchallenged and intact

till today. Conduct of the accused shows that, he is well aware about present proceeding, but negligently remains absent and fails to co-operate with the court to conduct the proceeding expeditiously. In ***Navneet Singh Gogia and Anr Vs. The state of Maharashtra, and Anr, decided on 21 January, 2025.*** the Hon'ble High Court of Judicature at Bombay has held that, a trial can proceed and conviction can be secured in absence of the accused, dispensing with the recording of statement under Section 313 of the Cr.PC., if the accused persistently absent without justification. In the present matter conduct of the accused shows that, only with intent to prolong the matter he has been absent for long period. No any application is filed on the record on behalf of the accused. Therefore, it shows that accused is negligent to proceed with the matter. Therefore, in the present matter statement of accused under Section 313 of the Cr.PC. needs to be dispensed with. Hence, the following order;

ORDER

- 1) Statement of accused under Section 313 of the Cr.PC. is dispensed with.
- 2) Matter shall be kept for final arguments.

(Pronounced in open Court.)

Date:- 13/07/2026.

(A. A. Utpat)
Judicial Magistrate F.C., Karad,
Dist.Satara.(Court No.04)