

MHST160007972008



S.C.C.No. 367/2008
State Vs. Sayaji

Order Below Exh. 01
(Passed on 31.07.2025)

Perused the record. The accused are facing trial for the offence punishable under Section 41(2)(b) and 52(1), 42(1) of the Indian Forest Act. Record shows that a charge was framed against accused No.1 Sayaji and accused No.4 Dipak at Exh.35. Thereafter, six witnesses have been examined in the matter by prosecution. However, accused No.4 Dipak Sarjerao Bhudhavale remained absent since long. Record also shows that other accused No.2 Shamrao Baburao (Baba) Madane and accused No.3. Madhukar Sayaji Madane are also not traceable. Non bailable warrant have been issued against them time and again. However, the prosecution could not secure their presence. It also appears that accused Nos. 1 and 4 meanwhile appeared and got canceled the non bailable warrants against them. However, the report Exh.95 to 98 shows that they are not traceable. The alleged offence is serious in nature. The matter is quite old.

2. The present case is pending since more than 17 years. The Accused are absent since long. Hence, NBW were issued for multiple times against them. As per directions of Hon'ble Bombay High Court, the old matters are required to be disposed off as expeditiously as possible by adopting all the measures provided under law. Non-bailable warrants were issued against accused time and again. However, accused are to be traced out. Already more than enough time has been given for procuring presence of accused by usual modes.

However, it went in vain. Therefore, there are sufficient reasons to believe that, accused are absconded or they are intentionally concealing themselves so that the warrant of their arrest shall not be executed upon them. Under such circumstances, there are no other alternative than to opt for other coercive measure like issuance of proclamation under **section 82 of Criminal Procedure Code**. Hence, I am inclined to issue proclamation against the accused.

3. So also, as another measure of securing presence of accused, show cause notice is required to be issued to their sureties, to appear and show cause as to why amount of bond entered by them for the accused shall not be recovered from them.

4. Police are also required to be directed to search and submit the necessary particulars of the movable and immovable properties belonging to accused, so as to enable the Court to proceed as per **section 83 of Criminal Procedure Code** for attachment of property of accused . Hence I pass following order ;

ORDER

- i) Issue proclamation under section 82 of Cr.P.C. against the accused persons.
- ii) Police Station Officer of concerned police station is directed as per ***section 82(2)(i)(a) Cr.P.C.*** to, publicly read the proclamation in some conspicuous place of the town or village in which accused ordinarily resides, and as per ***section 82(2)(i)(b) Cr.P.C.*** to affixed the proclamation to some conspicuous part of the house or homestead in which accused ordinarily reside or to some conspicuous place of their town or village.
- iii) Police Station Officer of concerned police station is also directed to prepare a detailed panchanama regarding the compliance of execution of proclamation and submit it in the Court accordingly.

- iv)** Police Station Officer of concerned police station is also directed to collect the necessary particulars of movable and immovable properties belonging to accused and submit it in the Court along with the report.
- v)** Assistant Superintendent of the Court is also directed to affix the copy of proclamation to the conspicuous part of the Court house or notice board of the Court, as per **section 82(2)(i)(c) of Cr.P.C.**, and submit the report accordingly.
- vi)** Copy of this order be sent to the Police Inspector of concerned police station for its effective and expedite compliance.
- vii)** Issue notice to the surety of the accused appear and show cause as to why amount of bond executed and entered by them shall not be recovered from them, as it has not been complied with.
- viii)** The concerned Clerk of Criminal side is also directed to issue the proclamation, letters and show-cause notice as ordered supra, forthwith and report accordingly.
- ix)** Issue Standing Warrant against the accused.

Wai
Dt.31.07.2025.

(R.M.Bhende)
Judicial Magistrate First Class, Wai