

ORDER BELOW APPLICATION (EXH.1) IN
M.P.I.D. CASE NO. 2 OF 2023
CNR MHST19004349-2024
(Ashok Tukaram Dhamdhare Vs. State of Maharashtra)

Since 29.06.2019 the trial is pending. As per order dated 31.10.2023 in Criminal Bail Application No. 1080 of 2020 Hon'ble High Court has issued direction to this Court to dispose off the matter as expeditiously and in any case within a period of 6 months.

02 Accused Nos. 1 and 2 are under trial prisoners. Accused Nos. 3 and 4 who are enlarged on bail in the present crime are under trial prisoners in another crime. Their whereabouts are traced out and their presence is secured.

03. Accused Nos. 5 and 6, who are released on bail, continuously remained absent for a considerable long time. Presence of accused No. 5 is secured by execution of nonailable warrant. On issuance of nonailable warrant to surety presence of accused No. 6 is also secured.

04. On 17.02.2024, 28.02.2024, 11.03.2024, 21.03.2024 and 28.03.2024 presence of accused Nos. 1 to 4 are secured through video conferencing. As per the request of accused Nos.1 and 2 by assigning an advocate legal assistance has been provided through Legal Aid Committee. On every dates understanding was given to the accused persons that as per the directions of Hon'ble High Court there is need to frame charge and commence trial expeditiously. On every date accused Nos. 1 and 2 sought oral

adjournment for filing application for discharge. As per their request from time to time they were given sufficient opportunity to file their application, if any. At the same time on every date they were given understanding to take prompt steps to file application, if any, on the next date without fail. They were also given understanding that failing which charge will be framed and trial will be commenced. In spite of sufficient opportunity granted and in spite of repeated understanding given they have not taken any step to file application, if any.

05. Today also accused Nos.1 to 5 are present through video conferencing and accused No. 6 is present physically. Today also accused Nos. 1 and 2 seek time to submit application for discharge. However, no bonafide are seen on their part. No convincing reason is seen so as to repeatedly adjourn the matter on the same vague and baseless ground. In such circumstances, there is no other alternative but to proceed to frame charge in the matter. Accordingly, I frame the charge against the accused persons.

WAI

Date 05th April 2024

**(S.G. Nandimath)
Special Judge, Wai**