

MHYA210006482013



**ORDER BELOW EXH.01**  
(Passed on 30/01/2026)

1. Perused record and proceedings of the instant case. The accused are prosecuted for commission of offence punishable under Sections 326, 34 of the Indian Penal Code, 1860.
2. The record shows that charge is framed on 29/06/2013. Thereafter, the case is posted for evidence of the prosecution. It appears from the record that, the prosecution examined so far four witnesses. The prosecution failed to secure presence of other witnesses, Investigation Officer and Medical Officer. The case is pending for more than **12** years. As per the direction of Hon'ble Supreme Court and Hon'ble Bombay High Court, the present case is a targeted case. It needs to be disposed of as early as possible.
3. On 03/11/2025, the summons to Investigation Officer namely A.P.I. Sunil Bhaurao Wankhede was issued. It is unserved. It was again issued. It is served on 04/11/2025 by V.H.F. mode. However, the Investigation Officer A.P.I. Sunil Bhaurao Wankhede failed to remain present for evidence. There is no reason for his absence. Thereafter, the next date was given to the witness. However, the witness was remained absent. This clearly shows that the Investigation Officer failed to remain present on witness summon wherein he was legally bound to appear in obedience of the summon. But, he failed with no excuse for his absence. It appears that, he is reluctant to appear before the Court. Being a Police Officer, he ought to have appear before the Court when the summons is duly served on him. However, he remained absent. Therefore, it is

just to initiate an action under Section 350 of the Code of Criminal Procedure, 1973 and also secure his presence for recording his evidence by issuing warrants. In the result, I pass the following order;

**ORDER**

1. Issue show cause notice to A.P.I. Sunil Bhaurao Wankhede as to why cognizance of offence under Section 350 of the Code of Criminal Procedure, 1973 should not be taken and be tried summarily returnable on 13/02/2026.
2. Issue bailable warrant against A.P.I. Sunil Bhaurao Wankhede for securing his presence on 13/02/2026 for recording his evidence.

Dated : 30/01/2026.

**(Shahaji D. Bhosale)**  
Judicial Magistrate (First Class),  
Court No.1, Wani.