

ORDER BELOW EXH. 813

1. This is the application filed by one Chandrashekhar Tukaramji Samarth, resident of Nagpur which is received in confidential envelope vide inward No. 9467 through Registrar, District Court, Osmanabad. In this application serious allegations are made against accused No.10 on contention that in spite of order passed by this Court below Exh. 306, 407 and 502 on 7/8/2013 dismissing the application of discharge filed by accused Nos. 5, 7 and 10 and also revision application No. 82/13 by Hon'ble Adhoc District Judge No.1, Osmanabad and Criminal Writ Petition 252/2014 by order dismissing the writ petition challenging the order of District Judge directed accused No.10 to remain present before this Court but in breach of order of this Court, District Court and Hon'ble Bombay High Court accused No.10 is not attending the Court. Even while releasing him on bail accused No.10 was directed to remain present on each and every date but he has committed the breach of the said order also and therefore by this application requested to cancel the bail of accused No.10 who is politician and influential person and taken him in a custody and trial be proceeded against him by keeping him in custody. Hence prayed to allow the application.

2. After receiving the application say of accused No.10 was called in which he stated that applicant is third party has no locus standi to file the present application. Moreover, he has not committed any breach of order of this Court or District Court or Hon'ble High Court and matter is also not prolonged because of his absence. Application is filed without any reason and hence ought to be rejected.

3. Perused the application, say filed by accused. Heard Ld. counsel for accused No.10. The applicant Chandrashekhar Tukaramji Samarth is absent when called.

4. In the present case it is specific contention of the applicant is that accused No.10 is a politician and influential person. He has committed the breach of the order of bail and also direction given by this Court and Hon'ble District Court and Hon'ble High Court to remain present in each and every date before this Court and therefore his bail is required to be cancelled and he is required to be taken into custody. It is material to note that I myself perused the order of my Predecessor passed below Exh.1 on 6/5/2014. I also perused the order of Hon'ble District Court and also the order of Hon'ble Bombay High Court, bench at Aurangabad in Criminal Writ Petition No.252/2014. Not only that I also perused the order of bail of accused No.10 passed by my Ld. Predecessor dtd. 5/10/2002 wherein no where directed accused No.10 to remain present in each and every date and therefore question of committing the breach of condition of the bail and direction of this Court and Hon'ble District Court and Hon'ble High Court shall not arise. It is pertinent to note that present case is totally based on documentary evidence and for that attendance of accused on each and every date is not necessary. Accused No.10 has engaged the advocate who is appearing on each and every date by filing the application for exemption of accused No.10 which was granted by this Court which is within the jurisdiction of this Court and therefore applicant has no authority to interfere in the administration of justice. Application is frivolous one is devoid of merit and also has no locus standi to file the

application ought to be rejected. Hence I proceed to pass the following order.

ORDER

1. Application is rejected.
2. No order as to costs.

sd/-

Date :- 16/12/2014.

(U.T.Pol)
Chief Judicial Magistrate,
Osmanabad.