



**COMMON ORDER BELOW EXH.3728 & 3729**

1. Application Exh.3728 is made by accused No.3 seeking adjournment, whereas, application Exh.3729 is made by him for exemption. Pursis Exh.3730 has been filed by accused No.3 undertaking to remain present after getting discharge. In the applications, it is contended that, accused No.3 is hospitalized in Bellona Hospital, Kolkata, thus, the accused is unable to appear physically. It is further contended that, the doctor has restrained the accused from using mobile phone, thus, the accused is unable to appear through VC.

2. By order dated 09.07.2021 in Criminal Application No.628/2014, the Hon'ble High Court has given following directions.

*“We make it clear that after completion of trial in said CC No.147/2002 (Crime No.101/2002 registered with Ganesh Peth Police Station, Nagpur) against other accused except the applicant, the trial against applicant be commenced by conducting the same expeditiously and preferably on day to day basis and the same be completed within a period of four months after commencement of trial against present applicant”.*

3. The trial against accused Nos.1, 2, 4 to 9 & 11 has been concluded on **22.12.2023**. Record shows that, since then, the

proceeding has been delayed due to absence of accused No.3 and adjournments sought on his behalf for hearing on different applications.

4. The application Exh.3666 made by accused No.3 for discharge was rejected on **11.11.2025**. The matter was adjourned to **17.11.2025** for framing of charge. Accused No.3 was required to remain present on **17.11.2025**. However, accused No.3 remained absent and made applications Exh.3724 and 3725 for exemption and adjournment on the ground that, he has been hospitalized on **16.11.2025**. By common order below Exh.3724 and 3725, accused No.3 was directed to remain present today either physically or through video conferencing for framing of charge. However, the accused has again made present applications seeking adjournment and exemption. It is evident that, accused No.3 has raised the contention that, “the doctor has restrained the accused from using mobile phone” as the accused was directed to appear either physically or through video conferencing. The applications under consideration are not supported by a fresh medical certificate disclosing the present physical condition of the accused.

5. The present case is **more than 23 years old**. There are constant directions for expeditious disposal of old cases. Moreover, there are specific directions given by the Hon’ble High Court in Criminal Application No.628/2014. In view of the said directions, accused No.3 was expected to co-operate with this Court for expeditious disposal of present case. However, instead of extending co-operation, accused No.3 has adopted dilatory tactics by filing different applications from the date of conclusion of trial against

other accused persons. No reason is made out for granting adjournment and exemption. Thus, the applications are liable to be rejected with cost. The Ld. APP has made application Exh.3731 for issuing NBW against accused No.3. This Court is refraining from issuing NBW against the accused today with a hope that, accused No.3 would co-operate with this Court by appearing either physically or through VC on the next date for the purpose of framing of charge. Hence, order.

**ORDER**

Applications Exh.3728 & 3729 are rejected with cost of Rs.5,000/- payable by accused No.3 to the D.L.S.A., Nagpur.

Nagpur.

Date : 21.11.2025

( M.V. Phade )  
2<sup>nd</sup> Addl Chief Judicial Magistrate  
(Spl. Court for S.138 N.I. Act),  
Nagpur.