

Before: Shri S. S. Agate
Addl. Registrar (O.S.) /
Addl. Prothonotary and Senior Master

CALLED FOR DIRECTION :

Mr. Sanjay Maji i/b DM Legal Assocs., Advocate
for the Appellant (Applicant).

2. The applicant has filed Affidavit of service dated 21.11.2024. Inspite of service, today no one is present on behalf of Accused No. 1.

1. I say that my office has made attempts to contact Accused No. 1 to seek appropriate instruction in the captioned matter. However, my office has been unable to contact Accused No. 1 and seek appropriate instructions. The whereabouts of Accused No. 1 are unknown to my office and there has not been contact with the Accused No. 1 whatsoever.

2. I say that my office vide Letter dated 23rd September 2024 bearing Ref No. DM/HB/001-2024 & Letter dated 30th September 2024 bearing Ref No. DM/HB/002-2024 addressed to Accused No. 1 at his last known address intimated the Accused No. 1 about our difficulty in appearing as his Advocates on Record and requested that Accused No. 1 take back the papers and proceeding of the captioned matter. I say that we have informed Accused No. 1 vide aforesaid letter that we shall no longer appear in the captioned matter for Accused No. 1 and that

Defendant No. 1 should obtain a No Objection certificate from my firm. I say that the aforesaid letter has returned back to my firm with a remark the "Addressee Left". Hereto annexed and marked as Exhibit "A" is a copy of the Letter dated 23rd September 2024 along with the postal receipt and envelope containing the said letter with the remark "Left" and tracking report and Exhibit "B" is a copy of the Letter dated 30* September 2024 along with the postal receipt and envelope containing the said letter with the remark "Left" and tracking report.

3. I say that my firm and I are not aware of the whereabouts of Accused No. 1 nor we have been able to establish any contact with him. Thus, we have not received any instructions from the Accused. The return of aforesaid letters with the remark of "left" unambiguously shows that Accused No. 1 is untraceable. My firm and I do not have any other address of the Accused No. 1."

4. I am satisfied that the Ld. Advocate has substantially complied with the procedure for obtaining discharge under High Court, Original Side Rules read with the provisions and Rules framed under the Advocates Act.

5. In view of above, Chamber Order is allowed and signed separately. Advocate, D M Legal Associates has been discharged on behalf of Accused No. 1. Office to delete the name of Advocate D M Legal Associates as Advocate for Accused No.1, Hiren P. Bhagat in Complaint No. 9 of 2017. M/s. D M Legal Associates to communicate this Order to Accused No. 1 and thereafter, Accused No.1 to engage another Advocate, if he so desires.

6. Chamber Order is disposed of accordingly.

28.11.2024

**Addl. Registrar (O.S.) /
Addl. Prothonotary and Senior Master**