

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.453 OF 2025

**SATISH
RAMCHANDRA
SANGAR**

Digitally signed by
SATISH RAMCHANDRA
SANGAR
Date: 2025.07.25
19:11:34 +0530

Jitendra Virji Thakkar

Age : 53 Years, Occupation : Business,
Residing at : 402, Vihang Vihar,
Opp. Gautam Park, Pachpakhadi,
Naupada, Thane : 400602.

...Applicant

Versus

1. **The State of Maharashtra**
(At the instance of Wadivarhe Police
Station vide C.R. No.19 of 2015).
2. **Sub-Divisional Police Officer,**
Nashik (Rural) Division, Nashik.

...Respondents

Mr.N.N.Gawankar a/w Mr.Manas Gawankar i/b. Mr.Shreyas Gawankar:-	Advocates for Applicant.
Mr.H.J.Dedhia:-	APP for Respondents – State.
Mr.Prakash Raghunath Rikame:Police Constable:-	Vadivarhe Police Station – Nashik Rural.

CORAM : S. M. MODAK, J.

DATE : 25th JULY 2025

P. C. :-

1. Heard learned Advocate Shri.Gawankar for the Applicant and
learned APP.
2. There is an offence registered at Vadivarhe Police Station at

Nashik under Sections 465, 468, 471, 120-B of the Indian Penal Code, 1860 (“**IPC**”) and under Sections 3(1)(i) and (ii), 3(2), 3(4), 3(5) and 4 of the Maharashtra Control of Organised Crime Act, 1999 (“**MCOC Act**”). There are several Accused persons. The present Applicant is referred as an Accused No.6 in the report given by the Assistant Superintendent of Police to the Court dated 18th April 2016.

3. The charge-sheet is filed against the remaining Accused persons, the charge is framed and the case bearing Special Case No.1 of 2016 is pending before the MCOC Court–Nashik. For some reason or other, the Police could not arrest him. The Special Court has issued a proclamation against him on the basis of the report given by the Police. After the period of almost 10 years, the Applicant on his own has come forward and praying for cancellation of proclamation. Two reasons are quoted:-

- (a) His wife is sick and she has to undergo operation of abdominal hysterectomy. There is a certificate given by the concerned doctor. It is on Page No.45. The recent certificate is also produced on record. It is marked Annexure-X. It is issued by the Thane Corporation Hospital.
- (b) Second reason is he has lost his eye-sight though not fully. Copy of the Disability Certificate is placed on record. It is on Page No.43.

4. A statement is made that after 2 weeks, he will surrender before the concerned Court. Learned APP has invited my attention to certain averments on Page No.39 of the report submitted for '*issuance of proclamation*'. Even the Police have visited Bhuj, State of Gujarat for his search. His relatives were found but he could not be traced out. The order of '*issuance of proclamation*' is on Page No.42. It is dated 4th June 2016.

5. Learned Advocate Mr.Gawankar has relied upon the observations in the order dated 17th September 2004 passed in case of *Vishnu Dattatray Hulawle V/s. State of Maharashtra & Anr.*¹. While dealing with the similar issue, this Court has granted liberty to the Applicant to approach the trial Court for cancellation of *proclamation*. The *bonafides* shown by the Applicant of surrendering before the Court needs to be considered. There can be certain conditions. Hence the following order:-

ORDER

- (i) **The Application is allowed.**
- (ii) The order of '*issuance of proclamation*' dated 4th June 2016 passed by the learned Additional Sessions Judge and Special Judge – Nashik **is stayed for a period of 2 weeks from the date of uploading the order.**

¹ Criminal Application No.3748 of 2004 : 17th September 2004 : Bombay High Court

- (iii) The undertaking given on behalf of the Applicant to surrender before the Nashik Court within 2 weeks is accepted and let the Applicant surrender before the Nashik Court on 11th August 2025.
- (iv) After surrender, the learned Special Judge is at liberty to pass necessary order after hearing both the sides.
- (v) Let the Applicant submit a copy of the Aadhar Card and PAN Card and of his wife to the Wadivarhe Police Station (Nashik Rural).
- (vi) During these 2 weeks, the Applicant is directed to give attendance to Naupada Police Station on 30th July 2025 and 6th August 2025 from 10.00 a.m. to 11.00 a.m.
- 6. In view of the above terms, **the Application stands disposed of.**
- 7. Parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]