

State Vs.

Present:- Mrs. Jyoti, Ld. APP for the State.
Accused not present.

Challan put up in Daily Lok Adalat. A perusal of the case file reveals that despite repeated issuance of summons, the presence of accused could not be procured. Till date neither the accused has come present before the court nor any sincere effort has been made by the prosecution/police to produce him before the court. It seems that the police/prosecution is not much interested in pursuing the present case/challan. No purpose will be served by issuing the summons to the accused time and again. It appears to be a fit case for stoppage of proceedings under Section 258 of Code of Criminal Procedure, 1973, which postulates that :

“258. Power to stop proceedings in certain cases — In any summons-case instituted otherwise than upon complaint, a Magistrate of the first class or, with the previous sanction of the Chief Judicial Magistrate, any other Judicial Magistrate, may, for reasons to be recorded by him, stop the proceedings at any stage without pronouncing any judgment and where such stoppage of proceedings is made after the evidence of the principal witnesses has been recorded, pronounce a judgment of acquittal, and in any other case, release the accused, and such release shall have the effect of discharge.”

2. Further it has been held by Hon'ble Bombay High Court in case titled as **“Mulchand Motilal Raka Vs. State of Maharashtra” 1996 (2) Crimes 177 (Bom.)** that the Magistrate can stop the proceedings under section 258 of Cr.P.C. where the presence of the accused cannot be secured or where the presence of any important witness cannot be secured by the prosecution.
3. Hence, in view of law laid down above and looking into the provision under Section 258 of Cr.P.C., proceeding of the present case/challan is hereby stopped. File/challan be consigned to record room after due compliance. However, the file/challan be put up again if the accused surrenders before the court or police produces him. **A red ink note be given on the file that it be not destroyed.**

Pronounced in Daily Lok Adalat.

Dated:06.07.2024

**(Isha Garg)
Judicial Magistrate First Class
-cum-Presiding Officer,
Daily Lok Adalat, 06.07.2024
Gurugram,(UID No. HR-0544)**