

**IN THE COURT OF METROPOLITAN/JUDICIAL MAGISTRATE,
(FIRST CLASS), 71st COURT, BANDRA, MUMBAI.**

ORDER BELOW EXH.01 C. C. NO.1354/PS/2023

State (Vakola P.S.) Vs. Dhiraj Gangayya Shetty

The Hon'ble Bombay High Court directed that, from 23/09/2024 to till 27/09/2024 Special Drive for disposal of unattended, petty, steal and ineffective cases be taken up. Therefore, today the case is taken up for disposal in special drive. Accused alleged to have committed an offence P/U/Sec. 8 (C) r/w. 27 of NDPS Act. Case is more than 01 year and more old. In *Mulchand Motilal Raka Vs. State of Maharashtra, 1996(1) Bom. C.R.316*, it was held that Section 258 of Cr. P.C., can be resorted to where the special or unusual circumstances exists, such as non-appearance of the witnesses/accused before the Court for considerable time. Record shows that, the case is summons case. The allegations are vague and basic requirement to prove the charge are missing to prove the charge. The report of chemical analyzer is mandatory, but neither samples taken nor any efforts are made during investigation to collect and retain such evidence. Thus, the whole final report even if accepted, as it is no conviction is warranted. Considering all above aspects, there is no point in proceeding further. Therefore, this is a fit case wherein provisions of section 258 of Cr.P.C. can be resorted to stop the proceeding. Accordingly I pass following order.

ORDER

1. Proceeding is stopped vide section 258 of Cr.P.C.
2. Accused is discharged. His bail bonds, if any, stand canceled.
3. Seized muddemal if any be disposed off, as per rule.

Place : Mumbai.
Date : 24/09/2024.
SRD.

Sd/-
Metropolitan/Judicial Magistrate
(First Class), 71st Court, Bandra, Mumbai.