

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

ORDER BELOW EXH.01 IN C. C. NO.1605/PS/2023

State (SANTACRUZ P.S.) Vs. Bakshu Harun Shaikh

The Hon'ble Bombay High Court directed that, from 17/03/2025 to till 21/03/2025 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. 188 of IPC. Case is more than two years 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. Accused is absent since long. It reveals that, Investigating Officer has not recorded statement of independent witnesses. Copy of Prohibitory order promulgated by the Authority is also not placed on record. Even after completion of trial it would not be end in the conviction of accused. Hence, this is a fit case, wherein provisions of section 258 of Cr. P. C. can be resorted to stop the proceeding. Hence, following order is passed.

ORDER

1. Proceeding is stopped vide section 258 of Cr.PC.
2. Accused is discharged. His bail bonds, if any, stand canceled.

Sd/-

Place : Mumbai.
Date : 19/03/2025.
SRD

Judicial Magistrate, (First Class),
71st Court, Bandra, Mumbai.