

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

Challan put up in Daily Lok Adalat. Summons issued to the accused received back several times, however, he has not come present in Court. The prosecution has been unable to effect service of summons upon the accused and it seems that neither the police nor the accused is interested in pursuing the present challan. Therefore, no useful purpose would be served by keeping the challan pending and issuing the summons time and again leading to exorbitant expenditure upon state machinery. Therefore, it appears to be a fit case for stoppage of proceedings under Section 281 of BNSS, which postulates that :

“281. 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 the section 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 281 of BNSS. and nature of present case, 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 moves application for disposal of challan. **A red ink note be given on the file that it be not destroyed.**

Himani Gill
CJ(JD)- JMFC-cum
Paniapt, UID no. HR0511