

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

CNR NO.MHMM18-003191-2023

C. C. NO. 1510/PS/2023

State (BKC P.S.) Vs. SOHARAB RUSTAM
SHAIKH

ORDER BELOW EXH.01

The Hon'ble Bombay High Court directed that, from 08/09/2025 to till 12/09/2025 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. 8 (C) r/w. 27 of N.D.P.S. Act. Case is more than One year 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 in the present matter, 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.

Sd/-

Place : Mumbai.
Date : 10/09/2025.
SRD

Judicial Magistrate, (First Class),
71st Court, Bandra, Mumbai.
Date : 10/09/2025.