

**IN THE COURT OF METROPOLITAN MAGISTRATE,
71st COURT, BANDRA, MUMBAI.**

ORDER BELOW EXH.01 C. C. NO. 6017/PS/2022

State (Santacruz P.S.) Vs. Raghav Ramviond Choudhari

Today the case is taken up for disposal in special drive, as per the directions of the Hon'ble High Court. Accused alleged to have committed an offence P/U/Sec. 8 (C) r/w. 27 of NDPS Act. Case is more than 6 months 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 on several occasions the summons/warrant were issued against the accused. However, prosecution failed to secure the presence of the accused. 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. P. C.
2. Accused is acquitted. His bail bonds, if any, stand canceled.
3. After appeal period seized muddemal be destroyed, as per law.

Place : Mumbai.
Date : 26/04/2023.
SRD.

Sd/-
Metropolitan Magistrate,
71st Court, Bandra, Mumbai.