

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

ORDER BELOW EXH.01 C.C.NO.5692/PS/2022

State (Santacruz P.S.) Vs. Sama Shankar Kale and ors.

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.142 of the Bombay Police Act. 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 are acquitted. Their bail bonds, if any, stand canceled.

Sd/-

Place : Mumbai.
Date : 07.11.2022
aan/-

Metropolitan Magistrate,
71st Court, Bandra, Mumbai.

