

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

ORDER BELOW EXH.01 IN C. C. NO. 1815/PS/2015
State (B.K.C. P.S.) Vs. Yasar Nasuruddin Shaikh.

The Hon'ble Bombay High Court directed that, to conduct special drive on 17/05/2025 for disposal of unattended, petty, stale and ineffective cases. Therefore, today the case is taken up for disposal in special drive. Accused alleged to have committed an offence P/U/Sec. 279, 337 of I.P.C. & 185 of M. V. Act. Case is more than two years 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, despite of opportunities accused failed to appear before the Court and therefore, matter could not proceed further. Further more, prosecution failed to secure the presence of the accused. No statement of independent witnesses have been recorded by Investigating Officer during investigation. Even complete trial would not result into conviction of accused. There is no direct evidence regarding rash and negligent driving of the vehicle on the public road by accused. Therefore, 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 discharged. His bail bonds, if any, stand canceled.
3. Seized property, if any, be returned to it's lawful owner, as per rules.

Place : Mumbai.
Date : 17/05/2025.
SRD

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