

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

CNR No. MHMM18-003426-2023

C. C. NO.1101/PS/2023

State (Vakola P.S.) V/s.

BINDU DIGAMBAR SAHU, AYYAZ

SIRAJ KAHN & ABDUL JAVED

SHAIKH

ORDER BELOW EXH.01

The Hon'ble Bombay High Court directed that, from 09/03/2026 to till 13/03/2026 Special Drive for disposal of unattended, petty, stale 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. 135 of Maharashtra Police Act. Case is more than two years and more 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. The order promulgated by the Competent Authority is not place on record. Even complete trial would not result into conviction of 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 are discharged. Their bail bonds, if any, stand canceled.
3. Muddemal property if any be destroyed after appeal period.

(A. B. Jadhav)

Judicial Magistrate, (First Class),

71st Court, Bandra, Mumbai.

Date : 12/03/2026.

Place : Mumbai.

Date : 12/03/2026.

SRD