

: ORDER BELOW EXH. 1 IN SCC NO.2897/2020

(Dated 26.07.2024)

CNR NO.MH130041972020

This is a summary case pending since year 2020 and it was taken on board in view of Special Drive vide letter of Maharashtra State Legal Services Authority bearing O.W.NO.MSLSA/2024/1758 dated 20.06.2024. Issued summons/ NBW to accused but police failed to secured his presence. No purpose will be served by keeping the case idle. Hence, it is a fit case wherein the powers u/s. 258 of Code of Criminal Procedure can be exercised. As such in view of observation made by *Hon'ble, Bombay High Court in Mulchand Motilal Raka Vs. The State of Maharashtra, 1996 (1) Bombay C.R.316*, I pass the following order :-

ORDER

- 1] The proceeding is stopped under section 258 of Criminal Procedure Code.
- 2] Accused is discharged.
- 3] The bail bonds if any stands cancelled or cash security deposited if any be credited to State Government.
- 4] The seized muddemal if any, be destroyed after appeal period is over as per the provisions of law.

(B. A. Nerlikar)

Judicial Magistrate First Class
(Court no.5), Ulhasnagar