



IN THE COURT OF SESSIONS JUDGE AT VADODARA

Order Below the Charge Sheet [Exh.1]

in

Sessions Case No.30 of 2024

in the matter of

The State of Gujarat ... Complainant

versus

Kantibhai Akhambhai Bariya ... Accused

1. The matter is pending for the offences under Sections 366 & 376 of the Indian Penal Code, 1860, registered with JP Road Police Station, Vadodara, vide I CR No.209/1995. The matter is of 1995.
2. Charge has been not framed. Accused is absconding from 2004
3. The process were issued many times and the police authorities have tried many times, but accused could not be traced.
4. It is the responsibility of the State to ensure the presence of the accused before the Court, and it is also the responsibility of the prosecution to adduce evidence within the reasonable time.
5. In view of the above, it appears that no fruitful purpose is going to be served by keeping the matter pending before the Court.
6. Ld.APP for the State has filed a Pursis stating that the State is desirous to withdraw the case under Section 321 of the Code of Criminal Procedure, 1973. The matter being old, the provision of

the Bharatiya Nagarik Suraksha Sanhita, 2023 is not applicable in the present matter and, therefore, the question of hearing of the victim does not arise. Hence, the matter is such where withdrawal of prosecution of Section 321 of the Code of Criminal Procedure, 1973 can be permitted. If the accused are apprehended in future, the State is at liberty to revive the case. Hence, the following order is passed:

:: ORDER ::

- (1) Ld.APP is hereby permitted to withdraw the case.
- (2) As the charge is not framed, the accused are discharged.
- (3) It is clarified that if the accused is apprehended in future, the State is at liberty to revive the case. And as this Court is constrained to pass this order largely owing to prolonged absence of accused, avoiding process of law, it is emphasized that the above discharge is subject to such revival of case.
- (4) In the event, the Sessions Case No.30 of 2024 stands disposed off as withdrawn. Any undecided application/s stands disposed off accordingly.

**Disposed off in Lok-Adalat today, on this
14th day of December, 2024**

**Sd/-
(Jayesh Lakhanshibhai Odedra)
Sessions Judge
Vadodara
UID Code No.GJ01040**

Jay Chauhan