

On consideration of the materials available on record the order sheet reveals ever since the accused remained absent from appearing before the court. In-spite of issuance of NBW the same remained un-executed. In-spite of proclamation and warrant against the accused the same was also remained unexecuted. In-spite of summons, bailable warrant and NBW against the charge-sheeted witnesses to record evidence u/sec.299 of Cr.P.C the same remained un executed. The concerned investigation agency failed to secure any of the witnesses before the court.

By taking into consideration of the year of the matter as well as the endorsement made by the investigation agency no purpose will be served in keeping the matter pending until and unless the accused is secured before the court.

The prosecution is at liberty to make necessary application to re open the case whenever the

Accused are secured before the court. For the reasons stated above and with these observations for the time being the proceedings is dropped.

Issue NBW against the Accused.

III ACMM, Bangalore.

