

IN THE COURT OF METROPOLITAN MAGISTRATE,
36th COURT MUMBAI CENTRAL, MUMBAI.

C. C. No. 329/PS/2018.

ORDER BELOW (EXH.-1)

Perused Roznama. The Roznama of the case reveals that, the accused has been continuously absent in the proceeding since from long time. All the summons/warrants issued against the accused have returned unserved.

2. In the case titled ***Mulchand Motilal Raka V/s. State of Maharashtra and another 1996(1) B Cr C 36***, the Hon'ble Bombay High Court has observed that where the presence of the accused cannot be secured or presence of any important witness cannot be secured by the prosecution, which is necessary for the trial of the case and where the Magistrate does not find it possible to dispose of the matter by adopting normal procedure contemplated by the Court for one reason or other, it would be open to Magistrate to stop further proceeding of the case under section 258 of Cr.P.C. In my view, the present case fit in the circumstances depicted by the Hon'ble High Court in the case supra.

3. In the present case also the accused has been continuously absent in the proceeding and warrant is pending against him. There are no immediate chances of securing his presence in near future.

4. Today, the special drive is organized as per the directions of the Hon'ble Bombay High Court vide ***Letter No.B(Gen)-1001/2021/1611, dated 26/11/2021*** to dispose off old and

ineffective matters. In my view, this is a fit case where resort can be taken to the provisions of section 258 of Cr.P.C. to stop the further proceeding. Hence, order.

ORDER

- 1 The proceeding against the accused is hereby stopped and accused is released vide section 258 of Cr.P.C.
- 2 Bail bonds, if any, of the accused stands cancelled.
- 3 Muddemal property be auctioned and proceeds of sale be credited to the State Government.

Date : 08/12/2021.
SRD.

Sd/-
(J. C. Dhengale)
Metropolitan Magistrate,
36th Court, Mumbai Central,
Mumbai.