

ORDER BELOW EXH.1

Perused record and proceedings. The accused is Charge sheeted for offence punishable under section 185 and other offences of Motor Vehicles Act. The case is pending for to secure the presence of accused since long. From the record it reveals that, despite summons issued on time to time police machinery failed to secure presence of the accused. **The Hon'ble Bombay High Court in Mulchand Motilal Raka Vs. State Maharashtra 1995 SCC online Bom 278 held that,**

“section 258 of the Cr.P.C. which empowers to stop the proceedings in certain cases is intended to meet with certain situations, where the presence of accused persons cannot be secured or presence of any important witness cannot be secured by the prosecution, which is necessary for the trial of the case. Therefore, were the Magistrate dose not find it possible to disposed of the matter by adopting by normal procedure contemplated by the code for one reason or other as herein-above stated, in such situation, it would be open to the Magistrate to stop further proceedings of the case.”

2. In the present case, it is clear that in spite of efforts taken, the police machinery failed to secured the presence of the accused. Therefore, it is difficult to proceed with the case in a normal way. In near future there is no possibility of appearance of the accused. Thus, this is a fit case to stop the proceeding u/sec. 258 of Cr.P.C.. Consequently, I pass the following order.

ORDER

1. The proceeding against the accused for the offence punishable U/s 185 and other offences of the Motor Vehicles Act is hereby stopped vide section 258 of the Code of Criminal Procedure and the accused is hereby released.
2. The bail bonds of the accused, if furnished, stands cancelled.
3. The original police papers be retained in "C" file for their use in the event of re-opening the case under section 300 (5) of Cr.P.C.

Dt:- 08/09/2025
Pune.

(S. B. Patil)
Judicial Magistrate F.C.,
Motor Vehicle Court Pune.