



Proclamation executed. This is 3 year old case and still police are unable to secure the presence of accused before the court.

2. Perused the materials on record. This is summons case instituted on police report. The court has taken all possible steps to secure the presence of accused, despite of issuing summons, NBW and proclamation the accused could not be secured. The NBW returned with endorsement that accused left the address and present address is not known. It appears that there is less likelihood of securing the accused in near future.

3. The Hon'ble Apex court in *Renuka v. State of Karnataka*, (2009) 14 SCC 345 implicitly held that that the magistrate has power to stop proceedings under Section 258 Cr.P.C., when the accused can't be traced. That it is not necessary to give the benefit of discharge to the accused under such circumstances when the accused himself wasn't present before the court. In that case in view of non-service of non-bailable warrant the trial court passed order "Accused absent. It is noted that the accused vacated her address and her whereabouts are not known. Offences are triable as

summons case. Hence further proceedings stopped under Section 258 CrPC.". The Hon'ble Apex court further held that under such circumstances Magistrates must give reasons for reviving the case upon the requisition filed by the police authorities and there is no bar for reviving the case in view of Sec.300(5) of Cr.P.C as it is not hit by Double Jeopardy.

4. The court has already invested sufficient time to secure presence of accused before the court, hence making further efforts on uncertain things like this takes away precious judicial time and it is proper to use the court's scarce time for other fruitful work to bring down the burden on judiciary. In my humble opinion nothing could be achieved by keeping this file pending for decades waiting for the accused and hence it is proper to proceed under section.258 of Cr.P.C. Accordingly, I proceed to pass the following:

ORDER

Acting under Section.258 of Cr.P.C., further proceedings are stopped.

Issue long pending warrant against the accused.

Police are at liberty to revive the case after tracing the accused.

Office shall preserve the records similar to LPR cases.

(Mohanagowda.M.E)
Prl.Senior Civil Judge & JMFC,
Srirangapatna. Dt: 23.03.2026.