

MHNS050026282015



R.C.C. 290/2015

The State of Maharashtra Vs Arun Maruti Kamble & 2

ORDER BELOW EXH. 01
(Passed on 29/07/2026)

The present case has been filed against the accused No. 1 to 3 for the offence punishable under Section 454, 457, 380, 411 read with 34 of the Indian Penal Code. The trial of accused No. 1 and 3 was separated from accused No. 2, as he was absconding. After the trial, the accused No. 1 and 3 were acquitted vide Judgment dated 04.05.2026, keeping the case pending for the trial of accused No.2.

02. From perusal of the record, it appears that the prosecution has examined in all 3 witnesses including the Informant, spot panch witness and inquest panch witness. Thereafter, the prosecution evidence was closed. From perusal of the evidence of record, it appears that the complaint was lodged against unknown persons. The Informant(PW-3) during his cross examination has admitted that he did not name the accused persons in the complaint. He has admitted that the complaint was wrongly lodged and the accused persons have no concern with the said offence.

03. As per the prosecution case, the part of the stolen muddemal was recovered from accused No.1 in presence of panch witness(PW-2). PW-2 has not supported the prosecution case. As far as the spot panch witness (PW-1) is concerned, then his testimony is not enough to convict the accused No.2 even if, found later on.

04. From perusal of the overall evidence on record, it appears that there is no evidence against the accused No.2. Therefore, even if he is

found in future, by no way, he could be convicted for the present offence. The present case is pending for more than 10 years. Keeping the case pending for the appearance and trial of accused No.2, for an indefinite period, would serve no purpose. In view of the above observation the following order is passed.

ORDER

1. The Accused No.2 namely Sanjay Bholaprasad Rajbhar is discharged from the offence Section 454, 457, 380, 411 read with 34 of the Indian Penal Code, 1860 *vide* section 239 of Code of Criminal Procedure, 1973.
2. The bail bond of accused stands canceled.
3. The muddemal returned to the informant, be retained by him, after the appeal period is over.
4. Accordingly, the case is disposed off.

Date : 29/07/2026

(Fiza F. Irani)
Judicial Magistrate, First Class
Court No.3, Nashikroad.