

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE – I,  
HOSDURG**

Present: Sri. Abdul Rasik.C, Judicial First Class Magistrate-I, Hosdurg

Dated this the 4<sup>th</sup> day of June, 2026

**CC No. 2103/2023**

Complainant : S.H.O, Hosdurg Police Station,  
Crime No. 306/2020

Accused : Abdul Naseer.P.M, Aged 31/'20,  
S/o Muhammed (L), Darulshifa,  
Uliyathadukka, Shiribagilu Village

**ORDER**

The accused was put on trial for the offences punishable U/s. 269 of the IPC, 118(e) of KP Act, S. 4(2)(h) r/w 5 of KEDO on the basis of Final Report filed in Crime. No. 306/2020 by the Sub Inspector of Police, Hosdurg Police Station.

2. The cognizance in this case was taken on 17.08.2023.

3. In this case, summons was issued to the accused on 17.08.2023. Summons was returned stating that the whereabouts of the accused is not known. Thereafter NBW was issued against the accused. A report was filed stating that the whereabouts of the accused is not known. In spite of repeated coercive steps, the accused did not appear before the Court. The case is pending before this Court for the last 2 years without procuring presence of the accused.

4. In the case on hand, the prosecution has filed reports stating unambiguously that despite its best efforts to locate the accused, it has not been successful in securing the presence of the accused before the Court. As per dictum laid down in ***Suo Motu V. State of Kerala (2023 (7) KHC 505)***, this court is of the opinion that this is a fit case to invoke the power u/s. 258 Cr.P.C. By going

through the reports, it is evident that reasonably sufficient steps have been taken by the prosecution to ensure the presence of the accused. But, they failed to locate him for the last 2 years. Moreover, the cost of ensuring the appearance of the accused far exceed the maximum fine prescribed under the Act for the offence concerned.

**In the result**, the proceedings in the above matter is stopped U/s 258 of the Cr.P.C and the accused is discharged thereunder. It is made clear that in appropriate cases, if the accused is traced out later, can be tried again with the permission of this Court, as mandated U/s. 300 (5) of the Cr.P.C.

Pronounced by me in open court, this the 4<sup>th</sup> day of June, 2026.

//True copy//

Sd/-  
Judicial First Class Magistrate-I  
Hosdurg

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Hosdurg