

MHTH050038392015

Order Below Exh. 1 In RCC No.420704/2015
The State of Maharashtra Vs. Deepak Phattelal Yadav & Ors.

This is very old criminal case instituted in the year 2015 for the offence punishable under Section 323, 324, 336, 337 and 504 read with 34 of the Indian Penal Code. The report of summons and warrants shows that accused are not traceable and there are remote chances that accused will make their presence in near future in present case. This case become stale and ineffective due to lapse of time. NBW issued against the accused persons, then notice to surety also issued and thereafter proclamation also issued against the accused persons but in vain. Therefore, I passed the order below Exh.1 on 29.01.2026 and ordered to proceed the matter in the absence of the accused persons under Section 299 of the Cr.PC and also summons were issued on the same date to all witnesses.

2. The summons report shows that informant and other witnesses have not been served yet therefore their presence cannot be secured. Now, it is very difficult to find their present address. It shows that even in near future there are remote chances that prosecution witnesses would come to depose their evidence against the accused. Consequently prosecution would not be in position to adduce substantial evidence which would fetch conviction to the accused. The Hon'ble Bombay High Court directed to dispose of the

old cases expeditiously on priority basis. Therefore, considering all these facts overall there no sufficient evidence to keep this prosecution pending against the absconding accused persons. The matter is more than 10 years old. Therefore, it would be justifiable to stop proceeding against the absconding accused by discharging them under section 323, 324, 336, 337 and 504 read with 34 of the Code of Criminal Procedure, 1973. Therefore, in view of aforesaid set of circumstances and considering directions of the Hon'ble Bombay High Court and Action plan of the Hon'ble Bombay High Court, I pass the following order.

:- ORDER :-

- (1) Accused are discharged for commission of offence punishable under Sections 323, 324, 336, 337 and 504 read with 34 of the Indian Penal Code as provided in section 239 of the Code of Criminal Procedure, 1973.
- (2) Surety and bail bond of accused persons shall stand cancelled.

Date :- 11-08-2026
Place :- Thane

(Rajesh B. Khandare)
Jt. CJJD & JMFC, Thane
District :- Thane.