

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-II,
NEYYATTINKARA.**

Present: Smt. Nimmi Nair. M, Judicial First Class Magistrate-II, Neyyattinkara

Dated : 11.3.26

S.T. 1011/19

Complainant : The Kerala State represented by the Sub Inspector of Police, Poovar Police Station, in Crime No. 68/19

(By Sri. Saji. A.V, Assistant Public Prosecutor, Neyyattinkara)

Accused : merrydass s/o Subbaraj prche, Enlekula
with family, Poovar

Order : Accused is discharged u/s.258 of Code of Criminal Procedure, 1973.

This case having been heard on this day, and the Court on the same day, passed the following:-

ORDER

This case has been arisen on the final report filed by the Sub Inspector of Police, Poovar Police Station alleging the commission of offences against the accused u/ss... 279 IPC, 1st part

2. Despite repeated processes have been issued against the accused. Accused has not been produced or accused did not appear before the court till date as the presence of the accused could not be secured by the prosecution. Ample opportunities were given to the police to secure the presence of the accused. All steps to secure the presence of accused became futile. The report is now filed by the police stating that the presence of the accused cannot be procured despite their best efforts at locating the accused and that the costs of ensuring the appearance of such accused far exceed the maximum fine that is prescribed under the Statue for the offence alleged.

3. Perused the prosecution records and the report filed, I am satisfied that the prosecution has taken maximum effort and the presence of the accused cannot be procured despite their best efforts at locating the accused and that the costs of ensuring the appearance of such accused far exceed the maximum fine that is prescribed under the statue for the offence alleged. In view of the judgment of the Honourable High Court of Kerala in O.P(Crl) No.809/2023 dated 05.12.2023, in the case of Suo Motu v. State of Kerala and Another reported in 2023(7) KHC 505, I am duty bound to stop proceedings. Accordingly, all further proceedings in this case is stopped invoking the power under Section 258 of Cr.P.C. The stoppage of proceedings shall have the effect of discharge.

4. In the result, the accused is discharged under section 258 of the Code of Criminal Procedure, 1973. The accused is released. As per the section 300(5) of the Code of Criminal Procedure, in appropriate cases, the accused person, if traced out later, can be tried again with the permission of this court which passed the said order.

(Dictated by me, transcribed and typed by Confidential Assistant and corrected by me and pronounced in the open court, on this the 11th day of March 2026.)

Judicial First Class Magistrate – II,
Neyyattinkara.