

MHAH220009672019



Order passed below Exh. 1 in RCC No.201/2019
[Delivered On: 09.03.2026]

Anita Bhausahab Raut.
Vs.
Balu Aappa Raut & Ors.

This is a private case instituted otherwise than police report i.e. complaint case for the alleged commission of offences punishable under section 324, 323, 504 and 506(2) read with section 34 of the Indian Penal Code.

2. In this case process was issued against accused. The matter is pending for the stage of evidence before charge of complainant. However, complainant continuously remained absent in the court. There is no progress in the matter due to her absence. In view of order below Exh.1 dated 29.10.2025, the complainant was directed to appear and lead her evidence in the matter. However, despite of ample opportunity, she failed to appear and lead her evidence in the matter. Today, also the complainant and her advocate are absent in the court till 04.15 pm. The complainant was called out repeatedly. The lethargic approach of the complainant shows she either settled dispute out side the court or lost her interest to prosecute the accused.

3. It is pertinent to note that, sub-section (2) of Section 245 of Cr.PC. provides that, nothing in the Section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case

if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

4. In the facts of the instant case the complainant failed to lead her evidence in the matter. Therefore, I hold that it is a fit case to exercise the power under section 245(2) of the Cr.P.C. to discharge the accused from the case. Hence, I pass the following order.

ORDER

1. The accused no.1 Balu Aappa Raut, accused no.2 Rama Balu Raut, accused no.3 Sangita Balu Raut and accused no.4 Rani Rama Raut are discharged from the offences punishable under section 324, 323, 504 and 506(2) read with section 34 of the Indian Penal Code vide section 245(2) of the Criminal Procedure Code.
2. Bail bonds of the accused are cancelled.
3. The case is disposed of accordingly.

Dated : 09.03.2026.

(S. N. Thapekar)
Judicial Magistrate First Class,
Karjat.