

MHAU070018882021



S.C.C No.685/2021

State of Maharashtra Vs. Shaikh Hussain & Ors.

Order Passed below Exh.1

1. This is the summon case instituted on police report. It is registered as summary case and tried as summary way. The accused is alleged to have committed an offence punishable under Sections 188, 269, 270 of Indian Penal Code, Section 51(b) of the Disaster Management Act, Rule 11 of Regulation of Covid-19, Section 3 of Maharashtra Felling of Trees (Regulation) Act 1964 and Section 41 of Indian Forest Act, 1927.

2. Perused the record. Repeatedly summons and BW is issued against the accused but prosecution failed to secure the presence of accused. The case is old one. There is no probability of securing the presence of the accused in the near future. It would be futile exercise to keep matter pending on the board for years without progress.

3. Thus, in such circumstances I find it difficult to decide the case on merits and in accordance with the normal procedure contemplated by the Code of Criminal Procedure, 1973 for failure of the prosecution to secure the presence of the accused. Hence, I find that there is no propriety in keeping the case pending on the board for years together, without any substantial progress being made. Thus, in this backdrop the following order is passed.

ORDER

- 1.** The proceeding of the case is stopped under Sec. 258 of the Criminal Procedure Code 1973.
- 2.** The accused are hereby acquitted of the offence punishable under Sections 188, 269, 270 of Indian Penal Code, Section 51(b) of the Disaster Management Act, Rule 11 of Regulation of Covid-19, Section 3 of Maharashtra Felling of Trees (Regulation) Act 1964 and Section 41 of Indian Forest Act, 1927.
- 3.** The Bail bonds and bonds of the accused persons be

cancelled, if any.

- 4.** Seized Muddemal be disposed of as per rules.
- 5.** Case papers be filed accordingly.

Date : 12.03.2026.

(Sushama S. Agrawal)
Judicial Magistrate, F.C., Gangapur
Tq. Gangapur, Dist. Aurangabad

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same word to word, as per the original order.

Name of Steno : S. M. Shaikh

Court Name : Judicial Magistrate (First Class),
Gangapur, Dist. Aurangabad.

Date of Judgment/Order : 12.03.2026

Judgment/Order signed by the
Presiding Officer on : 12.03.2026

Judgment/Order uploaded on : 12.03.2026