

MHBI150008722023



Sum Cri Case No. 195/2023

State Of Maharashtra Vs Mohsin Shaikh

ORDER BELOW EXH.1

01. In view of directions of the Hon'ble High Court, Bench at Aurangabad vide letter No.615/2026, dt. 20/04/2026, it was directed to undertake special drive to dispose of ineffective cases under sections 256 and 258 of the Code of Criminal Procedure. Accordingly, special drive is held on today and the present matter is kept in Special Drive for necessary order.

02. Section 258 of the Code of Criminal Procedure states that, in any summons-case instituted otherwise than upon complaint, a Magistrate may for the reason recorded by him, stop the proceeding at any stage without pronouncing any judgment and where such stoppage of proceeding is made after the evidence of the principal witnesses has been recorded, pronounce a judgment of acquittal, and in any other case, release the accused, and such release shall have effect of discharge.

03. Perused the roznama and record of case. The accused is charge-sheeted for the offence punishable under section 239/177 of the Motor Vehicles Act. The present case has been registered on 05.06.2023. Since that date, the case is pending for presence of accused. Despite of issuance of number of summons, the police failed to secure the presence of accused. The reports of summons are not

filed on record. The prosecution failed to secure the presence of the accused.

04. The certificate under section 65-B of the Indian Evidence Act, 1872 is produced on record to support that e-chalan generated from the software. However, chalan is not produced on record. There is no signature of concerned on the certificate. In such circumstances, it will cause abuse process of law. Therefore, the following order is passed.

- ORDER -

- 1] This proceeding of the case is hereby stopped *vide* Section 258 of the Code of Criminal Procedure.
- 2] The accused is hereby released for the offence punishable under section 239/177 of The Motor Vehicles Act, 1988, vide Section 258 of the Code of Criminal Procedure.

Date :05/05/2026
Patoda

(Mithun A. Shinde)
Judicial Magistrate First Class,
Patoda.