



ORDER BELOW EXH.01
(Passed on 23rd March 2026)

Perused the record. It can be seen that accused is absent since filing of charge-sheet. Time to time warrant was issued to the accused but presence of accused could not be secured. In spite of issuance of surety notice and proclamation under section 82 of the Code of Criminal Procedure, presence of accused could not be secured. Thus, the case was posted for recording evidence u/s 299 of the Code of Criminal Procedure. Accordingly, summons were issued to all the witnesses.

02. The prosecution has examined Dinesh Bhawarilal Chajed, Rajesh Puranlalji Upadhya and Deepak Chandrakant Dhawale, Dilipsing Kacharusing Thakur and Sanjay Ramkrushna Gawai. As per summons report Exh.09, informant and witness Nos.3 and 8 are not traceable. The investigating officer also failed to appear.

03. The witness Dinesh Chajed who is son of informant and witness Rajesh have deposed that on 07.08.2002 one thief committed theft in shop owned by informant. The informant shouted and these witnesses and others caught hold said person and called police. The witnesses Deepak Dhawale, Dilipsing Thakur and Sanjay Gawai are police witnesses. The witness Dilipsing has deposed that after hearing the shouts he caught hold the thief was running. Above

police witnesses have deposed that the thief told his name as Manik Babanrao Tehare. Except two witnesses, all other witnesses have deposed that they can not identify accused. The witness Dinesh has stated that his father i.e. informant is old aged and unable to attend the court. Thus, it can be seen from testimony of above witnesses that one person attempted to commit theft in the shop of informant. But, as stated above accused can not be identified by eye witnesses.

04. The accused is charge-sheeted for the offence punishable under sections 380 and 511 of the IPC. The case is more than 23 years old. There is no possibility of appearance of the accused in near future. Even if the accused appears in future, evidence available on record is not sufficient to warrant his conviction as the witnesses are unable to identify the accused. In such circumstances no fruitful purpose will be served by keeping case pending. Hence the following order :

ORDER

01. The accused Manik Babanrao Tehare is discharged from the offence punishable under sections 380 and 511 of Indian Penal Code vide Section 239 of Code of Criminal Procedure.
02. The bail bond of accused, if any stands cancelled.

Jalna.
Date : 23.03.2026

(S. M. Padolikar)
Chief Judicial Magistrate,
Jalna.

CERTIFICATE

I affirm that, this PDF file is word to word as per original Order/Judgment.

Name of Stenographer : Yashwant D. Wagh
Name of Court : CJM, Jalna.
Date of PDF : 23.03.2026.

Sd/-
Signature.