



ORDER BELOW EXH.01
(Passed on 01st April 2026)

Perused the record. It can be seen that accused is absent since filing of the charge-sheet. Time to time warrant was issued to the accused but presence of accused could not be secured. In spite of issuance of notice to surety 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. Summons were issued to all the witnesses. Accordingly prosecution examined investigating officer Nirmala Mansing Pardeshi. She has deposed that during investigation she prepared spot and seizure panchnama and after completion of investigation filed charge-sheet against accused.

02. As per summons report Exh.10 and 12 informant and other witnesses are not traceable. Though the investigating officer has deposed that seizure panchnama was done but as panch witnesses are not examined, it can not be said that seizure is duly proved by the prosecution. So also as informant is not examined, the information report on the basis of which law was set into motion is not proved. Thus, testimony of investigating officer alone is not sufficient to prove guilt of accused.

03. The accused is charge-sheeted for the offence punishable under sections 461 and 379 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. In such circumstances no fruitful purpose will be served by keeping case pending. Hence the following order :

ORDER

01. The accused Shaikh Afroz Shaikh Dastagir is discharged from the offence punishable under Sections 461 and 379 of Indian Penal Code vide Section 239 of Code of Criminal Procedure.
02. The bail bond of accused, if any stands cancelled.
03. Muddemal be disposed of as per rules.

Jalna.
Date : 01.04.2026

(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 : 01.04.2026.

Sd/-
Signature.