

MHJN060000311995

**ORDER BELOW EXH.01**

Charge-sheet in the present case is filed for offence punishable under Sec.498-A, 323 r/w sec.34 of the Indian Penal Code on 26.07.1995. Charge-sheet against accused Prakash Parashram Mohite is filed as per sec.299 of the Cr.P.C.

02. Present case is pending since 1995. As despite issuing non bailable warrant and declaring proclamation against the accused presence of accused are not get secured, for recording evidence in the present case as per Sec.299 of Cr.P.C. witness summons were issued.

03. Report regarding service of witness summons and bailable warrant is filed on record which shows that witnesses on behalf of prosecution are also not traceable (Exh.32, Exh.29).

04. In the case of **The State of Karnataka Vs. P. P. Milton CRI.R.P. no.477/1994** the facts before Hon'ble Karnataka High Court were that, prosecution has availed sufficient opportunity to produce the accused before the court. Report of the prosecution in that case was reflecting that accused is not traceable. In these circumstances Hon'ble Karnataka High Court held that, *"the trial court was no longer obliged to wait or to keep the proceedings pending in the hope that at some future point of time the accused would be traced."*

05. In the present case despite issuing non bailable warrant and proclamation prosecution failed to secure presence of the accused. Case is pending since 1995. Informant and other witnesses

on behalf of prosecution are also not traceable.

06. Therefore, no purpose will be served by keeping the case pending since long as all efforts regarding securing presence of accused as well as witnesses on behalf of prosecution went in vein.

07. Discharging the accused from any offence does not lead to his acquittal from the said offence. Even if prosecution secured presence of accused in future as well as necessary witnesses on their behalf in future then there will not be any bar to prosecute accused again for the same offence vide section 300 of Cr.P.C. Accordingly, considering above mentioned reasons and ratio laid down by Hon'ble Karnataka High Court in the case of **P.P. Milton (supra)** I pass following order-

ORDER

1. Accused Parashram Kautik Mohite, Yashodabai Parashram Mohite and Ambadas Parashram Mohite are discharged from the present offence.
2. Bail bonds of the accused stands cancelled.
3. Accordingly present proceeding is hereby closed.

Date:-07.04.2026
Place:- Bhokardan.

(Mayuresh R. Kale)
Judicial Magistrate First Class,
Bhokardan.

CERTIFICATE

I affirm that the contents of this PDF file Order/Judgment are same word to word as per the original Order/Judgment.

Name of Steno	:	Smt. S. R. Ingle
Court	:	CJJD & JMFC, Bhokardan
Date	:	07.04.2026
Judgment/order signed by the Presiding Officer on	:	07.04.2026
Judgment/Order uploaded on	:	07.04.2026