



**ORDER BELOW EXH. 1 IN R.C.C. No. 106/2021**

**(State Vs. Dattatray Ramesh Shinde)**

1. In present case accused no. 1 to 5 and 7 to 9 charge sheeted for having committed an offence punishable u/Sec. 457,380 r.w. Sec. 34 of I.P.C. upon perusal of record it shows that the accused failed to appear before the Court. The non-bailable warrants were issue against them returned unexecuted and they remained untraceable. Therefore, proclamation was issued u/Sec. 82 of Cr.P.C. against the accused. Therefore, evidence is recorded as per Sec. 299 of Cr.P.C.

2. The prosecution has examined 1 witness i.e. informant. He deposed in his chief examination that he does not want proceed with this matter. He does not want to examine further witness. He deposed that muddemal was given to him on supurtnama by order of court. He deposed that he could not identify the accused.

3. Case is old. Therefore, as per direction of Hon'ble S.C.M.S. committee its need to be decided on top priority. After perusal of testimony of witness no incriminating evidence against the accused.

4. No other independent witness is available who deposed about the involvement of the accused in the commission of an offence. There is no material witness examined. Informant lodged F.I.R. against the unknown person. There is no substantive and corroborative evidence. Therefore, in the absence of any evidence. It cannot be said that the accused have committed an offence. In such circumstances even if the case is kept pending. It will not attract Sec. 457,380 r.w. Sec. 34 of I.P.C. and also the conviction of the accused is not warranted.

Considering the above discussion no purpose would be served by keeping the case pending without any further progress. Therefore, accused stands discharge for offence punishable under Sec 457,380 r.w. Sec. 34 of I.P.C. as per Sec. 239 of Cr.P.C. The proclamation issued against the accused stands cancelled. The concerned Police Station Officer be informed accordingly. Seized muddemal is already given to the informant, therefore, no order as to muddemal.

Place- Shahuwadi

Date- 09/04/2029

(S. D. Bagal)

Judicial Magistrate First Class,  
Malkapur-Shahuwadi, Dist. Kolhapur