

Order below Exh.01 In RCC No.135 of 2004

(Passed on this 13th day of March, 2026)

State.Vrs. Shivaji & Ors.

CNR NO.MHLA060002472004

- 01.** The chargesheet is under Sections 324, 323, 504, 506 r.w. Section 34 of the Indian Penal Code.
- 02.** Perused the chargesheet, deposition of the informant and the record.
- 03.** It is the case of the prosecution that on 30.03.2004 the informant viz Shivaji Keshavrao More with his truck bearing No.MH 26-8128 was traveling from Raipur to Sangali. On 06.04.2004 he took halt near one Dhaba at Shirur Tajband, Tq.Ahmedpur and slept in his truck. When he was asleeping at one 1.00 a.m., accused No.3 who is a son in law of the owner of the truck along with accused No.1 and 2 came at a Dhaba i.e. hotel by a truck bearing No.MH 26 B 7278 where the informant had taken halt, they woke the informant up and started asking why the informant bursted a tire of the truck while traveling from Raipure. They all started abusing the informant. The informant when asked them about the reason of abusing, accused No.3 beat the informant with iron rod over his head and forehead, accused No.1 and 2 also beat the informant with tommy over his hand and leg. All the accused caused hurt to the informant. After hearing screaming sound of the informant, waiters of the hotel, cleaner Rajesh Suryawanshi and others resolved the scuffle. Thereafter, the informant returned to village Karegaon and lodged report at Ahmedpur Police Station on 06.04.2004. On lodging the report crime No.41/2004 came to be registered. Investigation is carried by police Shir N. R. Jagtap. During investigation he prepared spot

panchnama, seized iron tommy and iron tire, he recorded statement of the witnesses, prepared spot panchnama, obtained injury certificate of the informant.

04. The accused could not be traced out. Therefore, they are declared as proclaimed offenders and proclamation came to be issued against them as per Section 82 of the Code of Criminal Procedure vide order below Exh.1 dated 20.10.2012. The witness summons are issued as per Section 299 of the Cr.P.C. In pursuance to the issued witness summons, the informant appeared.

05. The informant deposed that he is not acquainted with the accused. If the accused are brought before him, he will not be in position to identify them. He cannot recollect who were the accused and what was the incident. He could not even state whether he had lodged report with the police station or not. He denied the signature over the report and supplementary statement. The prosecution was allowed to put leading questions to the informant. While answering to the leading questions the informant denied the story of the prosecution that on 06.04.2024 when he was sleeping in his truck at a Dhaba the accused came and beat him with iron rod and tommy on account of bursting of tire of a truck. The informant filed pursis at Exh.29 submitting that he does want to lead further evidence or examine any witness.

06. The case is old. Summons was issued to all the prosecution witnesses but their presence could not be secured. The informant who is the sole victim of the crime did not support to the case of the prosecution whereas he denied the commission of crime against him. None of the ingredients of the offences levelled against the informant are admitted or stated by the informant in evidence.

Hence, none of the charges levelled against the accused can be proved even if the accused appear in future. In any circumstances the case will not end in conviction. Therefore, it is futile to keep the case pending on board. Hence, it is in the interest of the justice to discharge the accused and stop the proceeding. In result, I pass the following order;

ORDER

1. The proceeding is stopped.
2. The accused No.1. **Shivaji S/o Pandurag Tare, 2. Lakisingh @ Gurudevsingh S/o Amarjitsingh Sarova and 3. Jogasingh S/o Amarsingh Ghuman** are discharged of the offences punishable under Section 324, 323, 504 and 506 r.w. 34 of the Indian Penal Code.
3. The seized muddemal tire and tommy be sent to Collector for disposal.
4. Bail bonds of the accused are cancelled and they are set at liberty.

Place: Ahmedpur.

Date:- 13.03.2026.

(Swanandi D. Wadgaonkar)

J.M.F.C. (Court No.01), Ahmedpur.