

ORDER BELOW EXH. -1 in (C. C. No.365/PW/2008)
(CR. No.105/2008) of R. A. K. Marg Police Station.

Today Matter is on board, in view of action plan 2025-2026 of Hon'ble High Court for disposal of pendency of old matters. Perused the case file. The case is of year 2008. Accused no. 1, 2 and 4 were already convicted on 22.10.2008 vide **Exh-26**. From 2008 the **accused no. 3 Mohammad Raees Adbul Ajiz khan** is not traced out. He is absconded. So many times summons and warrants were issued against accused. Police failed to arrest the accused from last 18 years. Proclamation was issued against accused as per order below **Exh-1** dated 29.08.2025. The proclamation report is at **Exh-9**. It is the case of the prosecution that accused have committed theft of santaro car of the informant and thereby committed an offence punishable under **section 379, 465, 467, 468, 471, 34 of IPC**. From the year-2008, accused never came before the court from last 18 years. Matter is very old. The informant **PW-1 Rajesh Sampatlal Hingad, Exh-11** is examined. He deposed that he could not identify accused. He do not have any objection to close the case. He do not want to proceed further and do not want to examine further witnesses. He has deposed against unknown person. He has received the said car from police station. The evidence of informant is vague and insufficient. It is pertinent to note that, in future even if accused appears before court, there is no possibility to bring any incriminating evidence against accused. Therefore no purpose will be served by framing of

charge against the accused. In such circumstances it is just and legal to discharge the accused. Hence, Order :

ORDER

- 1) The **accused no. 3 Mohammad Raees Adbul Ajiz khan** is hereby discharged **under section 239 of Code of Criminal Procedure.**
- 2) Standing NBW if issued stands cancelled. His bail bonds stands cancelled. Cash security if any be credited to the Government.
- 3) Muddemal if any pending be disposed as per rule.



(K. G. Chaudhari)

Place : Dadar, Mumbai.
Date : 15/07/2026

Judicial Magistrate (First Class),
13th Court, Dadar, Mumbai.