

MHNG030013762002



R.C.C.No.3010156/2002
State – Vs – Kailash Vitthalrao
Londse & Ors.

ORDER BELOW EXH.1
(Passed on 12.03.2026)

Perused the recrod. The accused are chargeheeted for the offences punishable under section 392 r/w. 34 of Indian Penal Code. The Charge sheet is filed on record in the year 2002 and since then the accused are not traced out. Due to the absence of accused the trial could not be proceeded in ordinary course. Therefore, in the year 2025 an order was passed below Exh.1 and the prosecution was permitted to adduce and record evidence of its witnesses under section 299 of Code of Criminal Procedure, as the accused were absconding and there is no immediate prospect of their arrest. The proclamation is already issued against the accused. It appears from the record that, the matter is more than 23 years old and in the present matter the accused having absconded, could not be apprehended and there is no probability of their arrest in the near future. Accordingly, the evidence of prosecution witness under section 299 of Cr.PC. were recorded.

2. The informant Ananta Pandharinath Telrandhe was examined by the prosection as PW.1 below Exh.7. The informant has deposed that in the year 2002 while he was carrying cash amount of Rs.150,000/- of his office Indian Express, someone has pushed him and snatched bag of cash amount. Traffic police has caught the accused and after some days he received his cash amount. Report and F.I.R. bears his signature. He does not know the accused and he does not want to proceed with the matter. The informant has not identified the accused and also do not want to proceed with the case. Other witnesses are not produced before the Court even after repeated opportunity.

(2)

From this, it clearly appears that there is no material coming on record against the accused for proceeding further. The evidence presented is not sufficient to warrant conviction of the accused if left unrebutted. The prosecution has not proved the seizure panchanama and alleged commission of offence by the accused, so also, failed to produce any cogent and reliable corroborative evidence. In absence of the same, it clearly appears that the evidence brought on record is not sufficient to hold accused guilty.

3. Upon consideration of the recorded evidence and the documents produced on record by the prosecution, this court is satisfied that there is no sufficient ground for proceeding against the accused. The material on record if unrebutted does not establish the charges against the accused. Therefore, there is no justification to keep the matter pending unnecessarily. Hence, the accused **No.1-Kailash Vitthalrao Londase, No.2-Sanjay Hariman Shingane, No.3-Suresh @ Shankar Prabhakar Wankhede and No.4-Prakash @ Pakya Dasharath Wasekar** are hereby discharged from the present proceeding.

4. Seized properties and cash amount are already returned to the informant on Supratnama bond. The said supratnama bond stands cancelled.

Date : 12.03.2026

(**Swaroopkumar S. Bose**)
Chief Judicial Magistrate,
Nagpur.

(3)

CERTIFICATE

I affirm that the contents of this P.D.F. file of Order are word to word, as per original Order.

Name of Stenographer- Gr.II : Ravindra W. Vindane,
attached to C.J.M.,
Nagpur