

**ORDER BELOW EXH.1**  
(Passed on 12/03/2026)

The present case is of 1986 and it is **39 years old** and falls in the category of “Targeted Cases” as per the Action Plan for Arrears Reduction in District Judiciary.

2. The accused is absconding since filing of chargesheet. Non-bailable warrants were issued against the accused on several occasions. However, his presence could not be secured for more than 39 years.

3. The case is for offence punishable under Section **457, 380** of the Indian Penal Code. By order below Exh.01 dated 20.02.2026, witness summonses were issued to the prosecution witnesses for recording evidence under Section 299 of the Cr.PC.. The reports in that regard are at **Exh.05 to 12**. The report **Exh.04** is in respect of the first informant. It is reported that, the first informant Rajkumar Hiralal Jain is not traceable on the given address and his whereabouts are not known. In short, neither the presence of accused nor the witnesses could be secured despite making several efforts. As stated above, the matter is more than **39** years old. Having regard to the age of the matter and the reports in respect of witness summonses, it can be said that, there is least possibility of securing presence of the informant and other prosecution witnesses.

4. In the case of *Satish Mehra Vs. Delhi Administration and Anr. 1996 SC 375*, the Hon’ble Supreme Court has observed that, the term ‘ground’ may be any valid ground including insufficiency of evidence to prove charge. It was further observed that, when the Judge is

fairly certain that there is no prospect of the case ending in conviction the valuable time of the Court should not be wasted for holding a trial only for the purpose of formally completing procedure to pronounce the conclusion on a future date.

5. In view of the above, there is inordinate delay in commencement of trial against the accused. The above discussed facts and circumstances go to show that, the prosecution would not be able to bring on record sufficient evidence, on the basis of which, the accused could be convicted even if his presence is secured in future. In this backdrop, the present prosecution can not be kept pending for indefinite period. Thus, the accused is required to be discharged. Hence, I pass following order.

**- ORDER -**

1. The accused is discharged vide Section 239 of the Code of Criminal Procedure.
2. Seized Muddemal Tape Recorder, Cassette, Receipt be destroyed as per rule and amount of Rs.115/- be deposited to the government.

Kamptee  
Date : 12/03/2026.

(Mohan R. Kamat)  
Judicial Magistrate, First Class,  
Kamptee