


MHNG080007712010 	<u>RCC No.455/2015</u> <u>(Old Case No.134/2010 and</u> <u>932/2012)</u> <u>State Vs. Virendra</u>
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ORDER (BELOW EXH.1)
(Passed on 10.03.2026)

Perused the record. The accused was absent since long. Therefore, my learned predecessor and this court issued warrants against accused, but presence of accused is not secured by the prosecution. Hence, this Court issued proclamation against accused. The report of proclamation is received at Exh.08. This shows that accused is absconded. Therefore, the case has been proceeded as per Section 299 (1) of Cr.P.C.

2. All effective steps have been taken, but the accused is not traced out. Therefore, the case has been proceeded as per Section 299(1) of the Code of Criminal Procedure.

3. This court issued witness summons to important witnesses i.e. informant and panch witnesses, who are reported to be not traced out vide Exh.09 to 15 respectively. The case is pending since 19.10.2010. The case is more than 24 years old. There is no incriminating evidence against the accused which is sufficient to frame charge against the accused because the important witnesses i.e. informant and panch witnesses are reported to be not traced out. As accused is absconding since long, there will be no chance of his appearance in near future. The case is pending since 19.10.2010 without securing presence of the accused. Therefore, proceeding is liable to be dropped and accused is liable to be discharged from the offences punishable under Sections 457 and 380 of IPC. Hence, I pass following order.

ORDER

1. Accused is discharged for the offences punishable under Sections 457 and 380 of IPC.
2. The warrant and proclamation against accused are canceled. It be called back. Inform the concerned SHO accordingly.
3. As per Section 98 of the Maharashtra Prohibition Act, 1949, seized 47 liquor bottle be sent to State Excise Department, Nagpur for disposal according to law after appeal period is over.
4. Seized cash be credited to the Government after appeal period is over.
5. Seized rod be disposed off as per rule after appeal period is over.
6. Case is disposed off.

Kamptee
Date : 10.03.2026

(R.R. Sherekar)
Judicial Magistrate First Class,
(Court No.2), Kamptee.

ENDORSEMENT

Case argued on	:	10.03.2026
Order dictated on	:	10.03.2026
Transcription ready on	:	10.03.2026
Order checked and signed on	:	10.03.2026

CERTIFICATE

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

Name of Steno :- **V. S. Wanjari**