

MHNG080015532015



Order Below Exh-01

Before the Court. APP present, accused absent. As per action plan given by Honorable High Court (e-mail Lr.no./SCMS/83/2024 dated 10.05.2024) for arrears and Reduction of old cases in District Judiciary. Matter was physically verified as per list of targeted cases given by District Court, Nagpur. Perusal of record it shows that, matter is older than thirty seven years pending since 28.01.1988.

2. Record further shows this court tried its level best to secure presence of accused. Reports under Section 82 and 83 are on record. This court had issue summons to witnesses. They remained absent though summons were issued against them. Reports are at Exh.3.

3. The charge sheet is filed for offences punishable under Sections 406 of IPC against absconding accused.

4. As per the ratio laid down by **Hon'ble Jammu & Kashmir High Court in the case of Narinder Singh Saini vs State And Others on 24 May, 2018** there would be no chance of conviction. When the court 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 the procedure to pronounce the conclusion on a future date. We are mindful that most of the Courts in

India are under heavy pressure of workload. If the court is almost certain that the trial would only be an exercise in futility or a sheer waste of time it is advisable to truncate the proceedings. In this case also there would be no chance of conviction if matter is kept pending. Hence, I pass following order :-

ORDER

- 1] Case is disposed off.
- 2] Accused Dilip Shamrao Kohale is discharged from offence punishable under Section 406 of the Indian Penal Code.
- 3] Bail bond of accused stands canceled.
- 4] Bailable or Non Bailable Warrant if issued against accused, be called back.
- 5] Supratnama dated 28.01.1988 is canceled and interim custody is made absolute.

Place:-Kamptee
Date:- 12.03.2026

(Q.R.Syed)
Judicial Magistrate First Class
Court No.3 kamptee.

ENDORSEMENT

Case argued on	:	12.03.2026
Order dictated on	:	12.03.2026
Transcription ready on	:	12.03.2026
Order checked and signed on	:	12.03.2026

CERTIFICATE

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

Name of Steno :- **Vrushabh Wanjari**