

MHNG080041982015



R.C.C.No.74/2017
State Vs. Vinod

ORDER (BELOW EXH.1)
(Passed on 20.04.2026)

Perused the record. The accused was absent since long. Therefore, my learned predecessor issued warrants against the accused, but presence of accused is not secured by the prosecution. Hence, this court issued proclamation against the accused vide order dated 04.10.2025 below Exh.1. The report of proclamation is received vide Exh.3. This shows that the accused is absconded. Therefore, the case has been proceeded as per Section 299 (1) of CrPC.

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

3. The prosecution has examined three witnesses i.e. informant and witnesses. They deposed that incident took place in front of their house. The informant PW1, PW2 and PW3 though deposed in their evidence that the informant filed report Exh.05 and FIR Exh.06 for the alleged incident, but they do not want to proceed with the case. One panch witness reported to be not traced out vide Exh.09. Therefore, there is no incriminating evidence against the accused which is sufficient to frame charge against the accused. The case is pending since 15.03.2017. The case is more than 09 years old. The prosecution has failed to secure presence of the accused since filing of charge sheet. As there is no incriminating evidence against the accused, no purpose

would be served by keeping the case pending without securing presence of the accused. Hence, proceeding is liable to be dropped and accused is liable to be discharged for the offences punishable under Sections 452 and 323 of the I.P.C. Hence, I pass following order.

ORDER

1. Accused is discharged for the offences punishable under Sections 452 and 323 of IPC.
2. The warrant and proclamation against the accused is canceled. It be called back. Inform the concerned SHO accordingly.
3. Case is disposed off.

Kamptee
Date : 20.04.2026

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

ENDORSEMENT

Case argued on	:	20.04.2026
Order dictated on	:	20.04.2026
Transcription ready on	:	20.04.2026
Order checked and signed on	:	20.04.2026

CERTIFICATE

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

Name of Steno :- **Sau. P.A.Nirmal**