

MHNG120006232018

S.C.C. No. 330/2018



State of Maharashtra

Vs.

Salil Anil Deshmukh and Ors.

COMMON ORDER BELOW EXH. 01 AND 51 IN S.C.C. NO. 330/2018

(Passed on 02nd day of April, 2026)

Ld. Spl. A.P.P. Mr. G. B. Raut has filed application at Exh. 51 praying for seeking permission for the withdrawal from prosecution of accused. Say of accused persons when called by my Ld. Predecessor, however, they failed to file say till date even after passage of more than 3 years since filing of application and passing of order dated 15/11/2022 below it. Hence, I proceed to decide the application without the say of the accused persons.

2. Perused record. Heard learned Spl. A.P.P. Mr. G. B. Raut for the State. In view of the verdict of the Hon'ble Supreme Court in *Rahul Agarwal Vs. Rakesh Jain (AIR 2005 SC 910)*, the discretion under Section 321 of the Code of Criminal Procedure is to be carefully exercised by the Court having regard to all the relevant facts and shall not be exercised to stifle the prosecution which is being done at the instance of the aggrieved parties or the States for redressing the grievances.

3. Allegations made against accused are not covered by the contingencies given in the proviso clause of Section 321 of the Code

of Criminal Procedure, hence, the permission of the Central Government is not necessary. Perused the letter dated 25/08/2022 bearing Marathi outward No. जा.क्र.सससअ/नाग/रा.व.सा. खटले/५८६/२०२२ of the office of the Assistant Director and Public Prosecutor, Nagpur bearing original signature of I/C. Assistant Director and Public Prosecutor, Nagpur at Exh. 55. As per the letter at Exh. 55, the office of the Assistant Director and Public Prosecutor, Nagpur has granted permission for withdrawal of prosecution in Crime No. 141/2017 of Police Station, Narkhed which is the present case.

4. There is no individual victim in the present case. There is no injured victim or any victim whom any wrongful loss or injury is caused. There is no reason to deny the permission for withdrawal of prosecution. The application is filed by Ld. Spl. A.P.P. Mr. G. B. Raut and supported by letter dated 25/08/2022 bearing Marathi outward No. जा.क्र.सससअ/नाग/रा.व.सा. खटले/५८६/२०२२ of the office of the Assistant Director and Public Prosecutor, Nagpur bearing original signature of I/C. Assistant Director and Public Prosecutor, Nagpur at Exh. 55. Court is already over burden with plethora of cases and there is no point in keeping matter alive where the prosecution prays for withdrawal. It is judicious to accept the withdrawal application and accordingly permission is granted for withdrawal of prosecution as per Section 321 of the Code of Criminal Procedure. Hence, I pass the following order:

ORDER

1. Permission is granted for withdrawal of prosecution vide Section 321 of the Code of Criminal Procedure, 1973.
2. As particulars of the offence has framed against accused No. 1 to 8 below Exh. 25, they all are acquitted for the offences punishable under Section 143 and 341 read with Section 149 of the Indian Penal Code, 1860 along with Section 37 read with Section 135 of the Maharashtra Police Act vide Section 321(b) of the Code of Criminal Procedure, 1973.
3. Bail and bond of accused No. 1 to 8, if any, stand cancelled.
4. Non-bailable warrants and proclamations issued against accused No. 1 to 8, if any, be recalled.

(Dictated and pronounced in open court)

Place : Narkhed, Dist. Nagpur
Date : 02/04/2026

(Rohan Vijaykumar Thayil)
Judicial Magistrate, First Class,
Narkhed, Dist. Nagpur

Common Order Below Exh.1 and 51.

S.C.C. No. 330/2018
State Vs. Salil Deshmukh