

**R.C.C. 1400151/2004**

*State of Maharashtra*

v.

*Siyaram Sahu*

**ORDER BELOW EXH 1**

The Present matter pertains to the year 2004 and is 21 years old. Accused is alleged of commission of offence punishable under sections 325 of Indian Penal Code 1860. Perusal of record shows that sincere efforts were taken to secure presence of accused person by issuance of non-Bailable warrants for several times. However, the presence of accused could not be secured. The presence of accused could not be secured since last 21 years. The surety of accused was forfeited and proclamation came to be issued against the accused person. Thereafter, the Court proceeded to issue witness summons as per section 299 of Code of Criminal Procedure.

2. Apparently Charge is not framed against the accused person. Perusal of record shows that witness summons was issued to all the witnesses. Prosecution secured presence of 3 material witnesses. Witness Nilam Tiwari PW1 and Harishchandra Narnawre PW2 did not support the Prosecution case. Permission to ask questions in the nature of cross examination was sought. However, nothing fruitful could be extracted therefrom. The report of witness summons at Exh 3 to 10 indicate that the witnesses could not be found on the addresses mentioned therein. Evidence of serving officer Police Constable Anil Fulchand Ghodeswar PW3 is recorded to that effect at Exh 13.

3. In this backdrop, I have gone through the chargesheet again. As stated earlier the presence of witnesses and accused could not be secured in the last 21 years. In such a situation keeping the matter pending on record shall serve no purpose. Resultantly, following Order is passed-

**ORDER**

1. Accused is discharged vide section 239 of Code of Criminal Procedure for offence punishable under section 325 of Indian Penal Code 1860.
2. The Seized property a piece of brick be destroyed after appeal period is over.
3. Police papers be preserved in File C.

Date- 27/03/2026

(A. A Shirvalkar)  
Judicial Magistrate First Class  
Ramtek.