

MHPU080002902002



R.C.C./700155/2002

State of Maharashtra Vs. Satish Babab
Gaikwad etc 1

ORDER BELOW EXH. 1

Accused no. 1 and 2 was prosecuted for the offences punishable under Sections 506(2), 323, 504, 34 of IPC, 37(1) r.w. 135 of Maharashtra Police Act and section 4(25) of Arms Act.

2. Perusal of record shows that, warrant and proclamation was issued against said accused. However, prosecution failed to secure their presence till the date. Further, summons were issued to the informant & other witnesses for the purpose of recording his evidence under Section 299 of the Cr.P.C., Prosecution could not secure presence of other witnesses.

3. In view of the directions of the Hon'ble Bombay High Court in regard reducing pendency of old matters, the case is taken on today's board. The case is more than **24 years old** and is pending idle in the Dormant File. It appears that there is no likelihood of securing presence of accused, despite of issuance of warrants and proclamation under Section 82 of the Cr.P.C.

4. As presence of informant and other witnesses is also not secured, there is no evidence under Section 299 of the Code of Criminal Procedure. Hence, even if accused are produced before Court, there will not be any sufficient material on record to frame charge against them or ultimately to convict them. Thus, discharge is the forgone conclusion.

5. The Hon'ble Supreme Court in Satish Mehra Vs. Delhi

Administration & Anr., 1996 JCC 507, decided on 31/07/1996 held that, 'In cases where 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'.

6. Therefore, considering the reasons mentioned above, in my view, no purpose would suffice by keeping the matter pending on file. Accordingly, I pass following order :

ORDER

1. The accused no. 1 & 2 are discharged from offence punishable under sections 506 (2), 323, 504, 34 of IPC, 37(1) r.w. 135 of Maharashtra Police Act and section 4(25) of Arms Act and the warrant issued against them be recalled.
2. Case be disposed off accordingly.

Date - 27-07-2026

(P. S. Apte)
Judicial Magistrate, First Class,
Court No.2 Khadki, Pune

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment are same word for word as per original Judgment.

Name of Steno	:	S. S. waykar, Stenographer (Grade III)
Court Name	:	Hon'ble Smt. P. S. Apte, J.M.F.C., Court No.2, Khadki, Pune.
Date of Order	:	27/07/2026
Judgment signed by presiding officer on	:	27/07/2026
Judgment uploaded on	:	27/07/2026