

MHPU090031191989

RCC No. 2817/1989

State

Vs.

Nandkumar Appasaheb Mohite & anr.

Order below Exh no.1

The present matter is pending for the offence punishable under section 420 r/w 34 of the Indian Penal Code. Accused are absent. The proclamation issued against them. However, despite the proclamation they remain absent. The report of police shows that the informant and witnesses are not traceable. The present matter is old one i.e of the year 1989. As per general directions and action plan of the Hon'ble High Court that the old matters are required to be decided expeditiously. In such circumstances, especially when informant and witnesses is not traceable, prima-facie there is no sufficient material to frame charge against the accused under section 420 r/w 34 of the Indian Penal Code.

2. The Hon'ble Apex Court in the case of **Satish Mehra V/s. Delhi Administration** decided on 31st July 1996 and **Union of India V/s. Praful Kumar 1979 Cri.L.J.154**, has observed as under : "When the judge 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 under heavy pressure of workload. If the sessions Judge is almost certain that the trial would only be an exercise in futility or a sheer waste of time it is advisable to truncate or ship the proceedings at the stage of section

227 of the Code itself.

3. Keeping in view the aforesaid observations and the fact that the accused is absent, informant and witnesses are not traceable, there is no material to frame charge against accused. Hence, accused deserves to be discharged under section 239 of the Code of Criminal Procedure. In the result, I pass following order.

Order

- 1] The accused are discharged for the offence punishable under section 420 r/w 34 of the Indian Penal Code vide section 239 of the Code of Criminal Procedure.
- 2] Their bail bonds stands cancelled and sureties is discharged.
- 3] Possession of muddemal be continued with complainant.
- 4] The case is disposed off accordingly.

Dated : 06/06/2026

(T.S.Mahadik)
Judicial Magistrate First Class,
Pimpri, Pune.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order/ Judgment are the same, word to word, as per the original Order.

Name of the Stenographer	:- Mrs. N.K.Vaidya
Name of the Court	:- 4 th Jt. C.J.J.D. and J.M.F.C. Pimpri
Order / Judgment Date	:- 06/06/2026
Order / Judgment signed by the Presiding Officer on	:- 06/06/2026
Order uploaded on	:- 06/06/2026