

MHPU250006552017



S.C.C./251/2017
State of Maharashtra Vs. Azad Noshiali Rasul

Order Below Exhibit No. 01
Passed On 06/07/2026

01. The accused is charge sheeted for the offence punishable under section 279, 337, 338, 304 of the Indian Penal Code and Section 134 (b) and 184 of M. V. Act. The accused is absent since long time. Therefore, NBW was issued against him, but it is not executed. Thereafter, proclamation under section 82 of the Criminal Procedure Code was issued against him, but, the accused did not appeared. I have record the evidence under section 299 of Cr. P. C. Thereafter, witness summons were issued. Prosecution examined 03 witnesses.

02. It has came in the evidence of PW 1 Shrikant that, on 29.01.2016 at about 3.00 p.m. he himself and his father Navnath were at Varulwadi. His father went to a hair saloon and he was gossiping with his friends at opposite side of the road. When his father was coming to him, one container No. HR 55 / U / 3488 came in a rash speed and gave dash to his father. Due to which his father sustained injuries on his head and chest. The driver ran away from the spot. Thereafter, he took his father at Government Hospital, Narayangaon, where doctor declared him as dead. He stated that, he cannot identify the accused.

03. It has came in the evidence of PW 2 Sagar that, on 29.01.2017 police called him for panchanama at Pune-Nashik

Highway in front of Suvarana Chambers. One container No. HR 55 / U / 3488 was standing on the road. Police prepared spot panchanama in his presence.

04. It has come in the evidence of PW 3 Harshal that, on 29.01.2016 he was gossiping with the informant and his friends at Bramhanath Traders. Father of the informant was crossing the road. At that time, one container No. HR 55 / U / 3488 came in the rash speed and gave dash to the father of the informant, due to which he sustained serious injuries. The driver ran away from the spot. He himself and the informant took the injured in the hospital, where the doctor declared him as dead. He stated that, he cannot identify the accused.

05. Evidence of these three witnesses shows that, PW 1 Shrikant and PW 3 Harshal are the eye witnesses to the incident. They have specifically deposed about the accident. However, both of them did not deposed anything about the negligence of the driver. Both of them are not able to identify the accused. Therefore, evidence of these two witnesses is not sufficient to connect the accused with the accident. The prosecution did not examine the investigating officer. Therefore, from the evidence available on the record, the accused cannot be tried for the charge sheeted offences. Hence, the accused is entitled to be discharged. As there is no provision of discharged in a summons case, the proceeding is liable to be dropped. In the result, I pass following order.

ORDER

- . The proceeding is dropped against the accused.
- . Accused **Azad Noshiali Rasul** is discharged from the offence

punishable under section 279, 337, 338, 304 of the Indian Penal Code and Section 134 (b) and 184 of M. V. Act.

- . Bail bonds of the accused are canceled.
- . Interim custody of truck No. HR 55 / U / 3488 has been given to the owner. It be kept with him forever.
- . The case be disposed off accordingly.

Junnar
Date: 06.07.2026

(Anant Himmatrao Bajad)
Judicial Magistrate First Class, Junnar