

R.C.C. No.66/2006

State V/s. Suryakant Kawadkar

ORDER BELOW EXH. 1

1. Perused record. Charge-sheet against the accused filed for offences punishable under section 381 of the IPC. The case is year of 2006. This proceeding is targeted case as per the actual plan directed by the Hon'ble Bombay High Court.

2. Several times non-bailable warrants and proclamation were issued against the accused. The prosecution has failed to secure the presence of accused inspite of issuance of proclamation Exh. 07. As a last resort, this court issued summons to the witnesses as per section 299 of Cr.PC.

3. The informant is not traceable as per Exh. 11. The panch is examined at Exh.08. The offence alleged against the accused is of theft. Panch deposed that he does not recollect that what incident took place due to passage of many year.

4. The witness in the present case is the panch and when he deposes before the court that he does not recollect anything about the incident. Therefore, even if this proceeding is kept pending for uncertain time period in future, it would be nothing but an futile exercise. The case against the accused is not made out. Hence, the accused is liable to be discharged under section 239 of Cr. PC. Hence, the order :

I) Accused stands discharged for the offence punishable under section 381 of the IPC vide section 239 of Code of Criminal Procedure.

Place:- Shahapur.
Date:- 23.03.2026.

Sd/-
(Ku. S. S. Kulkarni)
Judicial Magistrate First Class,
Shahapur.