



**In the Court of
Judicial Magistrate - II, Sankari
Judicial Magistrate, Sankari
Salem
Proceeded by: SIVAKUMAR-II D**

CNR No: TNSA090006492022

Case No: STC/347/2026

Date Of Decision: 07-07-2026

Sub Inspector of Police, Md.Choultry

...Petitioner

Petitioner Advocate: APP Gr.II

Versus

Najemuteen @ Abdulla

...Respondent

Respondent Advocate:

ORDER

Disposal Type: Charge abated/Discharged

Accused Summons not yet served. The case is pending without any progress at the stage of appearance of accused. More than sufficient opportunities granted to the prosecution for service of Accused summons, but till date the Accused summons is not yet served. This Court had issued a letter dated 15.06.2026 in D.No. 391/2026 addressed to the Inspector of Police, Magudanchavadi Police Station requiring the accused summons to be served on the accused and for the appearance of the accused on 07.07.26. But, today too the accused summon was not served nor the accused appeared before the Court. On considering the above facts, this Court is of the view that the prosecution has not taken an effective steps in making the accused to appear before the Court by service of Accused Summons nor did they filed any petition for substituted service. The above case is pending before the Court from 06.07.2022 to till date without any progress. It is pertinent to state that the case was taken on file in STC.538/2022 and it was renumbered as CC.278/2023 and further on 09.04.2026, this Court for the reasons stated in the notespaper had pass an order by renumbering the case as STC.347/2026. This case is a Summary Trial Case/Summons Case and it is filed on a Police report, and hence section 281 of B.N.S.S can be invoked. This Court is of the further view that since the Police has not taken any effective steps in securing the presence of the accused before the Court for prosecuting him for the alleged offences u/s 279, 338 of I.P.C, despite several opportunities being granted to them, this Court reckons that no purpose will be served by keeping the case ideal without any progress. Hence, for the aforesaid

reasons, this Court hereby passes an order U/s 281 of B.N.S.S to stop the proceedings of the case for the reasons stated supra, and since no prosecution witnesses are examined in the above case, this Court further orders that the accused is released/discharged from the offences U/s. 279, 338 of I.P.C as per the section 281 of B.N.S.S. In the above case, no case properties produced before the court, hence no order is passed with respect to the property.

Dated: 07-07-2026

SIVAKUMAR-II D
Judicial Magistrate - II, Sankari
Judicial Magistrate, Sankari
Salem