

State Vs.....

TRF.....

Present : Ld. APP for the State
None for accused

The present challan relates to the Motor Vehicle Act. Various time summons have been issued to the accused. However, in spite of issuance of the processes against the accused, none has appeared on the behalf of accused despite issuance of processes. In such circumstances, this court is convinced that service certainly cannot be effected upon the accused. Moreover, already the challan has been taken up on various dates and the process has been issued several times. The whereabouts of the accused are not known. This court is convinced with the argument of ld. APP for the State that issuance of repeated process will not be in larger interest of justice. Moreover, this court is of considered opinion that the issuance of repeated process shall burden the state exchequer and the execution process may over-weigh the fine which has to be imposed on the accused on his appearance. Hence keeping in view, the peculiar circumstances of the present case and in view of above said reasons, this court is convinced that it would be in the larger interest of justice to stop the proceedings at this stage under the provisions of section 258 Cr.P.C., as the whereabouts of the accused are not known. Hence the proceedings of the present challan are stopped as per provisions of section 258 Cr.P.C., in the interest of justice. A note be given on the challan in red ink that the same be not destroyed as it can be summoned again as and when required. Paper/ Challan be consigned to the record room after due compliance.

(Neha Goyal)
Chief Judicial Magistrate
Sonipat