

**IN THE COURT OF METROPOLITAN MAGISTRATE,
71st COURT, BANDRA, MUMBAI.**

ORDER BELOW EXH.01 C. C. NO. 6426/PS/2022

State (Santacruz P.S.) Vs. Amar Subhash Sonar.

Today the case is taken up for disposal in special drive, as per the directions of the Hon'ble High Court. Accused alleged to have committed an offence P/U/Sec. 8 (C) r/w. 27 of NDPS Act. Case is more than 09 months old. In *Mulchand Motilal Raka Vs. State of Maharashtra, 1996(1) Bom. C.R.316*, it was held that Section 258 of Cr. P.C., can be resorted to where the special or unusual circumstances exists, such as non-appearance of the witnesses/accused before the Court for considerable time. Record shows that, the case is summons case. The allegations are vague and basic requirement to prove the charge are missing to prove the charge the report of chemical analyser is mandatory, but neither samples taken nor any efforts are made during investigation to collect and retain such evidence. Thus, the whole final report even if accepted as it is no conviction is warranted. Considering all above aspects, there is no point in proceeding further if the present matter, therefore, this is a fit case wherein provisions of section 258 of Cr.P.C. can be resorted to stop the proceeding. Accordingly I pass following order.

ORDER

1. Proceeding is stopped vide section 258 of Cr.P.C.
2. Accused is acquitted. His bail bonds, if any, stand canceled.
3. Seized muddemal if any be disposed off, as per rule.

Place : Mumbai.
Date : 04/09/2023.
SRD.

Sd/-
Metropolitan Magistrate
71st Court, Bandra, Mumbai.