

CIS No: TRAFFIC/_____/2023
STATE OF HARYANA VS.

Present: Sh. Amrit, APP for the State.

Accused not present.

Traffic challan put up before the Court. The present case is a summons case and is pending since long. Notice issued to the accused, but none has appeared on behalf of the accused till date. In considered opinion of this Court, no useful purpose would be served by keeping the challan pending and issuing the summons time and again leading to exorbitant expenditure upon state machinery. This expenditure is very disproportionate to the offence under which the accused is charged. It appears to be a fit case for stoppage of proceedings under Section 258 of Code of Criminal Procedure, 1973, which postulates that :

“258. Power to stop proceedings in certain cases — In any summons-case instituted otherwise than upon complaint, a Magistrate of the first class or, with the previous sanction of the Chief Judicial Magistrate, any other Judicial Magistrate, may, for reasons to be recorded by him, stop the proceedings at any stage without pronouncing any judgment and where such stoppage of proceedings is made after the evidence of the principal witnesses has been recorded, pronounce a judgment of acquittal, and in any other case, release the accused, and such release shall have the effect of discharge.”

Further it has been held by Hon’ble Bombay High Court in case titled as **“Mulchand Motilal Raka Vs. State of Maharashtra” 1996 (2) Crimes 177 (Bom.)** that *“The Magistrate can stop the proceedings under the section where the presence of the accused cannot be secured or where the presence of any important witness cannot be secured by the prosecution”*.

Hence, in view of law laid down above and looking into the provision under Section 258 of Cr.P.C., proceeding of the present case/challan is hereby stopped. File/challan be consigned to record room after due compliance. However, the file/challan be put up again if the accused surrenders before the court or police produced him. **A red ink note be given on the file that it be not destroyed.**

(Rashmeet Kaur)
Judicial Magistrate First Class,
Gurugram. (UID No. HR-0610)
07.06.2024.

Shilpa S.G.III