

MHTH320080692026 	<u>Regular Criminal Case No. 115/ 2025</u> State Through Police Station Officer, Ambarnath Police Station, AmbarnathThane V/s Hemant Dattatraya Pitale
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Order below Exh. 1

The case is pending in this court for more than 30 years and no progress has been made inspite of strenuous efforts. From the record it transpires that accused are absent since long. NBW, proclamation were issued repeatedly against accused but police failed to secure their presence. Charge is not framed against accused. Thereafter, the matter was kept for recording evidence of witness as per section 299 of Cr.P.C. but prosecution has also failed to secure the presence of witnesses in respect of which police filed their report below exh.16. The evidence of serving officer is at exh.17. The matter is lingering on board without any effective steps since many years.

2. From the record and report of police it reveals that prosecution failed to brought any evidence against the accused and it also transpires that there may be no progress in future. I do not find any possibility on behalf of prosecution that in near future they will secure the presence of accused and witnesses. It is futile to keep the matter on record when prosecution failed to take any effective steps in the progress of trial since 30 years at the cost of public. Therefore prosecution has left no alternative except to

discharge the accused. Hence, I have no hesitation to pass following order :

ORDER

- 1] Accused is hereby discharged of the offences punishable under section 326 of IPC vide section 239 of Code of Criminal Procedure.
- 2] The bail bonds of accused stands cancelled and cash surety if any stands forfeited.
- 3] Muddemal, if any be disposed off, after the appeal period is over.
- 4] NBW issued if any be called back from the concern police station.
- 5] Case is disposed off accordingly.

Chikhloli-Ambernath
Date :-03.08.2026

(Savita M. Pawar)
Judicial Magistrate First Class
Court No.2, Chikhloli-Ambernath