

MHKO030055902022 	<u>S.C.C.No. 4117/2022</u> <u>Order passed below Exh.No.1</u> <u>State of Maharashtra Vs. Akshay Shivaji More</u> <u>etc. 13</u>
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Today the matter is taken on today's board vide pursis filed by APP at Exh.12. Perused the application at Exh.13. Heard learned A.P.P. Smt. K.B.Kamble for the State.

2. On perusal of record of proceeding it reveals that, my learned predecessor has passed issue process order below Exh.1 against all accused persons for the offence punishable under Section 269 and 270 of IPC and dropped out the sections punishable under Sections 11 of the Maharashtra Covid-19 Regulations 2020, Section 51(B) of National Disaster Management Act, 2005 and section 2,3 of the Epidemic Diseases Act, 1897. It is also noted that, during the trial vide police report accused no.8 is reported dead hence order is passed below Exh.1 and trial against accused no.8 is abated.

3. It is further noted that, accused no.1, and accused no.3 to 9 was pleaded guilty and they was convicted for the offence punishable under Section 269 and 270 of IPC. Hence, the trial is pending only against accused no.2, 10, 11, 12.

4. Having gone through the application at Exh.13 and submissions made my APP it reveals that, on 21/05/2025 incharge Sub Divisional Officer, Karveer, Kolhapur had issued letter to Ministry of Home Affairs, Mumbai about withdrawal of

CR no. 94/2022 of Juna Rajwada Police Station involved in the present case and therefore, learned APP has prayed for withdrawal of this matter. The copy of the said letter is attached along with application at Exh.13. I am of view that the application moved is in good faith in the interest of public policy and justice and not to stifle process of law. The permission to withdrawal of prosecution would certainly advance cause of Justice. Considering these aspects, I am inclined to allow the application. Hence I pass the following order.

ORDER

- 1 Application at Exh. 13 is allowed. Permission is granted to the prosecution for withdrawal from the prosecution vide section 321 of The Code of Criminal Procedure, 1973 (Section 360 of BNSS,2023).
2. Accused No. 2, 10, 11 and 12 are discharged for the offence Punishable under Sections 269 and 270 of Indian Penal Code vide Section 239 of Criminal Procedure Code (Section 262(2) of BNSS, 2023).
3. Bail Bonds of the accused are cancelled if any.
(Dictate and deliver in open court)

Kolhapur.
Date : 30/01/2026.

(Smt. Pankaj B.Rajput),
Judicial Magistrate, F.C.,
Court No.11, Kolhapur.