

ORDER-SHEET FOR MAGISTRATE'S RECORDS

DISTRICTS

IN THE COURT OF **Elizabeth Hazarika, JMFC, Goalpara**

Case No: MV 2386/23

Versus

Serial No. of Orders	Date	Order	Signature
	06/04/2024	CR Put up today. The accused person/persons is/are absent without steps. Learned Addl. P.P. has submitted a withdrawal Petition Vide No. 1531/24 along, in pursuant to the Government Letter No. E- 217405/60 Dated: 21.10.2022 and Government Notification No. E-217405/52 Dated: 21.10.2022, stating that this instant case, pending before this Court for trial, is subject to be withdrawn by the Government of Assam and that, this case does not come under any of the exceptions as provided by the aforesaid	

		Government Notification. Thereby, the learned Addl. PP praying for allowing the withdrawal petition and proceed to dispose of this case as per section 321 of Cr. PC. Heard. Perused. Learned Addl. PP further submitted that the prior notice to general public / victim has been already issued as per the SOP provided by the Government of Assam in connection to the withdrawal of this case but today the victim/informant side did not appear to raise any objection against the proposed withdrawal. Perusal of the case record reveals that this is a summon procedure/ petty offence case and the offence report in this case has been submitted u/s 179 (1) of MV Act against the accused and at present this case is pending at the stage of appearance. I have duly verified the	
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		materials on record of this case and after considering the fact and circumstances of this case as well as the fact that the instant withdrawal petition has been filed by the learned Addl. PP after attaining the General Authority from the Government of Assam vide. Letter No. ECF No.-217405/2022/67 Dated: 9th December, 2022, I deem it fit to hold that this case is a fit case to be withdrawn by prosecution. Accordingly, the prosecution is allowed to withdraw this case under section 321 of Cr.PC. Now, since this is a summon procedure/petty offence case, the withdrawal petition has been allowed in this case therefore, the above named accused person is acquitted from the aforestated charges as per section 321(b) of Cr PC. The instant case is accordingly disposed of on	
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		withdrawal u/s 321 of Cr.PC. Let the Process of Court (i.e., Summons/BWA/NBWA/P&A) pending for service to accused/ witness/ any other individual, before the concerned Police Station, if any, be recalled since this case has already been allowed to be withdrawn. Send a copy of this order to the concerned police station for information and necessary action. Victims, if aggrieved by the withdrawal of this case, are at liberty to institute Complaint Case on their behalf as per law, to proceed with their grievance. Let the seized articles, if any, be disposed off or handed over to its lawful owner / person entitled, as per law. Let the case record be sent to record room after due compliance.	
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