

SCC No.1923/2023
State Vs. Tukaram Vitthal Gade.
CNR: MHPU26-002919-2023

ORDER BELOW EXH. 1

This is a state case filed under Section 188 of I.P.C., U/s. 11 of the Maharashtra (COVID-19) Regulations, 2020.

2. Ld. APP applied for taking matter of board and filed application u/s. 321 of Cr. P.C. for withdrawing aforesaid proceeding in pursuance to directions given by State Government vide G.R. No. PRO-1221/Pr.Kr. 351/Vi-Sha.-2 dated 20.09.2022.

3. Perusal of aforesaid G.R. would reveal that, State Government has resolved to withdraw the prosecutions filed during lock down period of CORONA Pandemic. I have perused aforesaid recommendations and Government resolution. In present case there are no allegations of attack or assault on Government Servant and Front Line Workers. So also, there is no damage of private or Government property of Rs. 50,000/- or more. Therefore, the conditions stipulated in said Government resolution for withdrawal of prosecution are satisfied in present case.

4. It is also significant to note that, the alleged offence in present case is not against any law relating to a matter to which executive power of Union extends or was not investigated by Delhi Special Police Establishment or does not involved the

misappropriation, destruction or damaged to any property belonging to Central Government. Therefore, I do not found any legal impediment in permitting the prosecution to withdraw present case under section 321 of Cr. P.C.

5. The charge or particulars are yet to be framed, hence accused is entitle to be discharged. Resultantly, I proceed to pass the following order.

ORDER

1. The prosecution is permitted to withdraw present case vide Section 321 of Cr. P.C.
2. The accused is discharged for the alleged offence vide Section 321 (a) of Cr. P.C.
3. Bail bond of accused (if any) is cancelled.

Date:04/09/2023

(Smt. S. R. Barge)
3rd Judicial Magistrate First Class,
Vadgaon Maval, Pune.

CERTIFICATE

“I affirm that the contents of this P.D.F. file Judgment/order are same word to word as per original Judgment/order”.

Name of Stenographer : **A.K. Mohammad**
Name of the court : **Smt. S. R. Barge**
3rd Jt. CJJD & JMFC,
Vadgaon Maval, Pune
Judgment/order declared on : **04/09/2023**
Judgment/order signed
by Presiding officer : **04/09/2023**
Judgment/order uploaded on : **05/09/2023**