



Sum. Cri. Case No. 354/2022
State vs. Anup Waman Bansod

ORDER BELOW EXH.01
(Dated 26/09/2024)

Today is a special drive day to dispose of the old cases as per the direction of the Hon'ble High Court Letter no. B(Gen)-1001/2024/1114, dated 24th June, 2024. Accused is charge-sheeted for the offence punishable under section 65(e), 77(a) of the Maharashtra Prohibition Act. The present case is pending from 2022. It reveals from the record that charge is framed against the accused on date 18.11.2022 at Exh. 08. Many times witness summons were issued to the witness but in vain. Prosecution is failed to take necessary steps to secure the presence of witness. Therefore, I do not found any possibility that prosecution will secure the presence of witness in near future. Therefore, there is no iota of evidence to conclude that accused was found in the possession of liquor. So the case can not be concluded with the conviction. Hence, it is just, proper and reasonable to invoke the power under section 258 of the Criminal Procedure Code. Hence, I pass the following order.

ORDER

- 1]** The present case is stopped against accused under section 258 of the Cr.P.C. **subject to section 300 (5) of the Cr.P.C.**
- 2]** Accused **Anup Waman Bansod** is released from the offence punishable under section 65(e), 77(a) of the Maharashtra Prohibition Act vide section 258 of Cr.P.C. *Such release shall have the effect of discharge.*
- 3]** The bail bonds of accused if any stand cancelled.

- 4] Seized property if any be sent to the Commissioner of State Excise Department, Gondia for disposal as per rule after appeal period is over.
- 5] Accordingly the matter is disposed of.
(Dictated and pronounced in open court)

Date : 26.09.2024.

(Dr. Vikram A. Avhad)
Judicial Magistrate First Class,
Sadak Arjuni.

मी प्रमाणीत करतो की, या पीडीएफ फाईलमधील मजकुर व मुळ न्यायनिर्णय मधील मजकुर हा एकसारखाच आहे.

लघुलेखकाचे नाव : आर. डी. भुजाडे
कोर्टाचे नाव : डॉ. वि. अं. आव्हाड,
दिवाणी न्यायाधीश क. स्तर
व प्रथम वर्ग न्यायदंडाधिकारी, सडक अर्जुनी

न्यायनिर्णय/आदेश दिनांक : २६.०९.२०२४
पिठासीन अधिकारी यांनी सही केलेली तारीख : २६.०९.२०२४
न्यायनिर्णय/आदेश अपलोड केलेली तारीख : २६.०९.२०२४