



S.C.C./603/2022

State of Maha. Through Police Station Officer, P.S. Patur Vs.
Shivaji Shripat Shinde

ORDER PASSED BELOW EXH.01.

1. In view of the direction issued by the Hon'ble High Court and Hon'ble District Legal Services Authority, Akola, special drive is being undertaken today.
2. Present is the summary case instituted in the year 2022 under section 65 (e) of Maharashtra Prohibition Act. To prove an offence against accused prosecution shall have to file on record a report of chemical analyzer. However no steps are taken by prosecution to bring the report of chemical analyser. Report of chemical analysis is not filed on record. Therefore, there does not appear any substantive material on record to establish that the allegedly seized contraband was liquor. Under such situation, no purpose will be served by keeping this case pending for further more time. For these reasons, I think it fit to stop proceeding of present summary case instituted otherwise than upon a complaint by invoking the powers under section 258 of Code of Criminal Procedure. Hence, I pass the following order ;

ORDER

1. As per section 258 of Code of Criminal Procedure, the proceeding of present case is stopped and accused **Shivaji Shripat Shinde** is discharged of the offence punishable under section 65 (e) of Maharashtra Prohibition Act.
2. Bail bond of accused stand cancelled.
3. After appeal period, as per section 452 of Code of Criminal Procedure, seized liquor be send to Excise Department for disposal according to law.
4. Proceeding stands closed.

Dated : 22.07.2024.

(Kailas K. Kurandale)
Judicial Magistrate First Class,
Patur.

CERTIFICATE

I affirm that the contents of this P.D.F. file are same word for word as per original .

Name of Stenographer : Sau. S.S. Bhide

Court Name : K.K.Kurandale, C.J.J.D. & J.M.F.C.,

Patur

Date : 22.07.2024

Signed by presiding officer on : 22.07.2024

Uploaded on : 29.07.2024