

MHKO030120032023



SUM. CRI. CASE NO. 9202/2023

State of Maharashtra

Vs.

Ravindra Pandurang Gaikwad

ORDER BELOW EXH.1

As per the direction of Hon'ble S.C.M.S. Committee and the letter outward No. (SCMS)/10912/2025 dated 15/12/2025 of Hon'ble Principal District and Sessions Judge, Kolhapur, present matter is kept for special drive.

02. This is summary case pending since 2023. Despite repeated attempts presence of accused have not been secured. The accused charge-sheeted for the offence punishable under section 65(e) of Maharashtra Prohibition Act, 1949. The charge-sheet was filed in 2023 since then the case is awaiting report of Chemical Analyzer of the seized substance. From the record it is clear that Chemical Analysis report is not filed nor any extension to file the Chemical Analysis has been sought. Needless to say that Rule 4 and 5 of the Maharashtra Prohibition (Medical Examination and Blood Test) Rule 1959 requires that the Chemical Analysis report shall mandatorily be filed within six months from the collection of the sample. It is too for that prosecution could have filed Chemical Analysis report within six months of collection of sample but the report is yet not filed even after expiry of almost 2 years of filing of charge-sheet. There is no possibility that the report will be filed on record in near future. Thus, the ultimate result of the trial will likely to end in the acquittal. Therefore, I do not find any fruitful reason to wait for CA report and lodged the trial. Rather it will be fruitful to stop the trial.

03. Indeed considering the absence of the CA report and failure

of prosecution to secure of presence of accused, I found this case fit to be kept and disposed off under section 258 of The Code of Criminal Procedure, 1973. No purpose would be served by keeping the matter pending on the board. Further, it would be proper to give directions to concern in respect of seized muddemal. Hence, I pass following order -

-ORDER -

1. The proceeding against the accused are stopped vide section 258 of The Code of Criminal Procedure, 1973.
2. Accused is hereby discharged of an offence punishable under Section 65(e) of the Maharashtra Prohibition Act, 1949.
3. The bail bonds of the accused is canceled, if any.
4. Cash security furnished by accused, if any, be forfeited.
5. The seized muddemal i.e. one rubbery inner containing 20 liters of illicit Country (गावठी) liquor be sent to State Excise Department, Kolhapur for its disposal as per law after expiry of appeal period. Further, the seized muddemal i.e. four glasses being worthless be destroyed after appeal period is over.

Date : 20/12/2025

Archana S. Pansare
Judicial Magistrate First Class,
(Court No.5) Kolhapur.