

MHAU110015332022



ORDER BELOW EXH.1

Present matter is more than two old in order to dispose of as per the letter of the Hon'ble High Court of Bombay bearing No. B(Gen)-1001/2024/1114, dated 24.06.2024 permitting to undertake Special Drive from 22th July to 26th July 2024 preceding the day of 'National Lok-Adalat' to dispose of cases under Section 258 and 256 of the Code of Criminal Procedure, 1973

2. Perused the record and proceedings. The accused is Chargesheeted for the offence punishable U/s 65 (e) of Maharashtra Prohibition Act. This matter is pending for appearance of the accused. Despite summons issued on time to time the police machinery failed to secure the presence of accused. In near future it is not possible to secure the presence of accused. So also on perusal of chargsheet it reveals that, C.A. report of alleged seized Muddemal is not submitted on record. Therefore in absence of C.A. report it cannot be ascertained that, whether the seized liquid is medicinal, antiseptic, toilet preparation flavoring material or alcohol. Therefore, even the trial proceeded and witnesses of prosecution examined no purpose will served. In such situation, no need to keep pending on the board. This is fit case to stop the proceedings under section 258 of the Cr.P.C. Consequently, I pass the following order.

ORDER

1. The proceeding against the accused for the offence punishable U/s 65 (e) of Maharashtra Prohibition Act is hereby stopped vide section 258 of the Code of Criminal Procedure.
2. The accused is released for the offence punishable U/s 65 (e) of Maharashtra Prohibition Act.
3. Seized Muddemal be sent for disposed off to Superintendent of State Excise, Aurangabad.

Dt:- 24.07.2024

(V. J. Ghadigaonkar)
Judicial Magistrate F.C.,
Phulambri

CERTIFICATE

Affirm that the contents of this P.D.F. File order are same, word to word,
as per the original order.

Name of the Stenographer	: Shri. Y. B. Mirdhe,
Name of the Court	: C.J.J.D. & J.M.F.C., Phulambri
Date of order	: 24.07.2024
Original copy of order signed by	
the presiding officer on	: 24.07.2024
PDF copy of order uploaded on	: 12.08.2024