

RCC. No. 5110 / 2017
State V/s Vipu

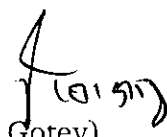
ORDER BELOW EXH.1

The case is called on for hearing. The accused is/are absent. On perusal of record it appears that the accused is not appearing since long. So also, report of chemical analyzer is also not filed on record. The case is old. It is the case of prosecution that the accused has committed an offence punishable under section 65 of Bombay Prohibition Act. In order to prove the alleged offence report of chemical analyzer is must. In absence of that report proceeding with the case will be of no use. At the end of the proceeding there will be no chance of conviction. In this circumstances, I am of the considered view that the charge against the accused would be groundless. Therefore, it will be just and proper to discharge the accused in the interest of justice. Seized country liquor and other articles being worthless requires to be destroyed. If it is foreign liquor it requires to be send to the concern State Excise Department for disposal. Hence, I pass following order.

ORDER

- 1) The accused is /are discharged vide section 239 of the Code of Criminal Procedure.
- 2) Bail bonds of the accused stands cancelled and surety stands discharged.
- 3) Seized foreign liquor be send to the concern State Excise Department, Pune for disposal / county liquor and other articles and vehicle be returned to its registered owner be destroyed after appeal period.
- 4) Proceeding is closed.

Date: ~~10/02/2017~~
10/5/2018


(P.T. Gotey)
Judicial Magistrate, F.C
Court No.3, Pune

