

S.C.C. No.29790/2021
State vs. Vinod Thapa
CNR NO.MHPU04-038571-2021



ORDER BELOW EXH-1

The matter is taken on today's board of special drive for disposing cases u/s. 256 and 258 of Cr.PC. as per directions of the Hon'ble Bombay High Court. The present case is for offence punishable U/s 65(d) of Maharashtra Prohibition Act. The accused has been absent continuously since long and his presence could not be secured, though the summons/warrants have been time to time issued to the accused.

2] The informant i.e. concerned Inspector of the State Excise Department by filing pursis at Exh.5 submitted that the case is pending since long and even after taking search of the accused from time to time he has not been found and there is no possibility of his tracing out in future. The seized prohibition muddemal is lying in the State Excise Office and it is smelling and there is no sufficient space to keep the muddemal. Therefore, Prosecution/Informant prayed for closing the case.

3] Moreover, the present offence is to be proved by Chemical Analyser's (C.A.) report. However, the said C.A. report is not available on record. Therefore, in absence of the C.A. report there is no possibility for proving alleged offence even after conducting the trial. By virtue of relevant provision of the said Act, the case is triable summarily.

4] The charge sheet of this case has been filed after too much delay which is also not explained properly. Thus, considering the special drive, the pursis, the nature of offence, evidence available on record and continuous absentee of the accused, it reveals that no fruitful purpose will serve to keep the case pending further for unlimited years without material progress. Therefore, the proceeding of the case is to be stopped as per Sec. 258 of Cr.PC. Hence, following order :-

ORDER

1. In view of pursis Exh.5 the proceeding of the case is stopped as per section 258 of Cr.P.C. and the accused is released from the alleged offence accordingly.
2. Bail bonds of the accused stand canceled and surety stands discharged. Cash surety if any, deposited by the accused stands forfeited and it be credited to the Government.
3. The seized liquor muddemal, if any, be sent to the concerned State Excise Department, Pune for disposal as per law and remaining muddemal articles used for preparing liquor being old and worthless be destroyed after appeal period is over.

Date- 20/03/2025.

(S.G.Barde)
Judicial Magistrate First Class,
Court No.7, Pune.

CERTIFICATE

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

Name of the Court	:-	Shri. S. G.Barde Judicial Magistrate, First Class, Court No.7, Pune.
Name of the Steno	:-	V.V. Kulkarni, (L. G. Stenographer)
Date of Order	:-	20/03/2025
Order signed by presiding officer	:-	20/03/2025
Order uploaded on	:-	07/05/2025