



S. C. C. No. 957/2021
State of Maharashtra
-Vs-
Hitesh Patil

ORDER BELOW EXH.1

(Passed on this 29th day of February, 2024)

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The accused is absent though called repeatedly till 4.00 p.m. Perused the record. The presence of the accused could not be secured despite of issuance of summons. The summons serving machinery failed to file service report of summons on record. For want of service report, coercive step cannot be taken against the accused. Moreover, there is no C. A. report on record. The charge sheet is filed on 20.07.2021. But, the concerned Excise department failed to file C. A. report on record for more than one year of filing of charge sheet. The C. A. report is important evidence in this case. For want of C. A. report, it cannot be proved that the seized material was liquor. No purpose would be served in keeping the instant case pending as fate of the case is disclosed. It is necessary to stop the instant case under section 258 of Cr. P. C. The inspector of the State Excise Department, Palghar needs to be directed to dispose of the seized liquor according to law. Hence, I pass following order:-

ORDER

1. The proceeding of this case is hereby stopped under section 258 of Cr. P. C.
2. The accused is discharged for offence punishable under sections 65 (e), 98 of the Maharashtra Prohibition Act.

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3. His bail bond shall stand cancelled.
4. The inspector of the State Excise Department, Palghar is directed to dispose of the seized liquor according to law.

(Dictated and pronounced in open Court.)

Palghar
Date:- 29.02.2024.

Sd/-
(Mahendra K. Sorte)
Judicial Magistrate, First Class,
Palghar.