

S.C.C./10161/2021
The State of Maharashtra
Vs.Premkumar Kattimani

ORDER BELOW EXH.1
(Passed on 22.07.2024)

Today case is taken in Special Drive, ordered to be conducted under the directions of the Hon'ble High Court during the period of 22.07.2024 to 26.07.2024, to reduce pendency of unattended, petty and stale matters.

2] The accused is alleged to have committed an offence punishable under Section 65(e) of Maharashtra Prohibition Act. It can be seen from the record that the samples drawn from the seized illicit liquor were sent for chemical analysis. However, perusal of the record reveals that, the report of chemical analysis has not been placed on record till date. No reason has been furnished for the same. In the absence of C.A. report, the acquittal of the accused is a foregone conclusion. Therefore, prima facie no case is made out against the accused. Furthermore, despite of issuing non-bailable warrant against the accused his presence could not be secured.

3] The matter is old and pending idle on file. Moreover, no reason is furnished by the prosecution justifying the failure to file C.A. report till date. No purpose would be served by keeping the matter pending any further. Considering the reasons, in my view, the present case fits the criteria stipulated for special drive. Hence, I find it just and proper to invoke powers and stop the proceedings under Section 258 of the Code of Criminal Procedure. Thus, the following order :

ORDER

1. The proceedings of the present case are hereby stopped vide Section 258 of Cr.P.C. and the accused is released.
2. Seized muddemal i.e. liquor be forwarded to State Excise Department, Pune for disposal according to law, upon the expiry of appeal period.
3. Property seized other than liquor, if any, be auction after expiry of appeal period and proceeds be deposited to the State.
4. The cash security, if any, deposited by the accused be forfeited to the the Government.
5. The case is disposed off accordingly.

Date : 22.07.2024.

(Ms.Akshi Jain)
Judicial Magistrate First Class,
Court no.4, Pune.