

S.C.C./6975/2021

**The State of Maharashtra Vs. Suhas Jagnnath
Bhagat**

ORDER BELOW EXH.1

(Passed on 02.03.2024)

Today case is taken before Special Drive. The accused is alleged to have committed an offence punishable under section 65(f) of Maharashtra Prohibition Act. For several times summons and warrants were issued against the accused. But, police machinery could not trace out whereabouts of accused. It is also needed to state here that prosecution has failed to file on record Chemical Analysis report till date. In the absence of C.A. report, it can not be concluded that accused persons were in possession of liquor. Therefore, prima facie no case is made out against the accused. As the matter is almost two year old, no purpose would be served by keeping the matter pending for long period. As matter is summons trial, it can be stopped under section 258 of the Code of Criminal Procedure. Thus, the following order :

ORDER

- i) The present case is stopped under section 258 of Cr.P.C
- ii) The accused is acquitted for the offence punishable under Section 65(f) of Maharashtra Prohibition Act.
- iii) Seized muddemal be sent to State Excise Department, Pune for disposal according to law.
- iv) The cash security of Rs.500/- deposited by the accused on 11.07.2020 (R No.35) be forfeited to the Government after the expiry of appeal period.

Sd/-

(Ms.Akshi Jain)

Judicial Magistrate First Class,
Court no.4, Pune.

Date : 02.03.2024.