

S.T.C.C. No.2557/2022

ORDER BELOW EXH. 1

(1) The Hon'ble High Court of Bombay by letter No. B(Gen)-1001/2023/632, dated 1st April, 2023 directed to dispose of cases u/s 256 and 258 of Code of Criminal Procedure on 4th to 6th and 8th September, 2023. Hence, the instant case has been taken in special drive for appropriate order.

(2) Perused the records and proceedings of the case. The plea of accused could not be recorded as he is continuously absent in the Court since filing of charge-sheet. The prosecution has failed to file chemical analyzer's report to substantiate the contention that the alleged muddemal was containing alcohol till today.

(3) In absence of such report, the prosecution case would not end in conviction. Considering the nature of present case, no purpose would be served by keeping it pending on the file of this Court.

(4) In this backdrop, this is the fit case for invoking the powers under section 258 of Criminal Procedure Code. Hence, I pass the following order.

ORDER

- 1) The proceeding of present case is stopped u/s 258 of Code of Criminal Procedure and thereby the case is disposed of.
- 2) The accused Manohar Attmaram Mali is hereby acquitted of the offence punishable u/s.65(e) of the Bombay Prohibition Act, 1949.
- 3) The bail bond of accused stands canceled.
- 4) Cash security if any, be refunded to the accused after appeal period is over.
- 5) The muddemal liquor if not disposed, it may be sent to the Superintendent of State Excise Department, for disposal after appeal period is over.
- 6) Property seized at the time of seizure panchnama being worthless be destroyed and if it is of worth be sold in public auction and sale proceeds be credited to the Government after appeal period is over.
- 7) The cash amount, if any, obtained at the time of personal search of accused be credited to the State Government, after appeal period is over.

Date : 06/09/2023.

Sd/-
(Ajit B.Chavan)
Judicial Magistrate First Class,
(Court No.2) Dhule.

Certificate

I certify that the contents of this PDF File are word to word as per Original Order.

Name of the Steno :- P.D.Sonar

Name of the Court :- 2nd Jt. Civil Judge,J.D.and J.M.F.C.,Dhule

PDF Uploading Date :- 06/09/2023

Sd/-
Stenographer (Grade-III)