

S.C.C. No. 475 / 2024
(MHAH250011672024)
State Vs. Santosh Thube

ORDER BELOW EXH.1.

As per the directions of the Hon'ble Bombay High Court, and as per directions of the Hon'ble District Court, Ahmednagar to under take the special drive on 9th March, 2026 to 13th March, 2026 to dispose of cases under Section 281 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Hence, the instant proceedings is fixed today for appropriate order.

2. This case is taken up in the Special Drive. The accused is absent since beginning. Summons were issued to the accused for several times. During this considerable period, prosecution is not able to secure the presence of the accused. The considerable time has lapsed. On perusal of record, C.A. report has not found. The offence under which the accused is charged under section 65(e) of the Bombay Prohibition Act, which is summary triable.

3. Thus, in such miserable situation, I found it is difficult to decide the case on merit, without any hindrance, in the normal manner by adopting normal procedure contemplated by The Bharatiya Nagarik Suraksha Sanhita, 2023 for the reason of failure of the prosecution to secure the presence of accused for the considerable time and without C.A. report. I found to stop the proceedings at this stage. Hence, I proceed to pass the following order.

ORDER

1. Proceeding is hereby stopped under Section 281 of The Bharatiya Nagarik Suraksha Sanhita, 2023.
2. Accused is discharged from the offence punishable under section 65(e) of the Bombay Police Act.

3. Seized muddemal, if any, be sent to appropriate authority for disposal as per rule after appeal period is over and the original final record be retained in 'C' file for their use in the event of re-opening the case.

Date:- 09.03.2026
Parner

(M. C. Shaikh)
Judicial Magistrate, First Class,
Court No.1, Parner.