

ORDER BELOW EXH.1 IN S.C.C. No.33/2024
(CNR: MHAH250000572024)

In view of directions of Hon'ble Bombay High Court, Bench at Aurangabad, it was directed to undertake Special Drive today to dispose of ineffective matters under section 256 and 258 of Cr.P.C. Accordingly, instant matter is fixed today for necessary order.

Perused roznama and record. Accused is charge-sheeted for offence punishable under section 65(e) of Maharashtra Prohibition Act. Section 258 can be invoked only in peculiar and unusual circumstances, wherein no prima facie case is made out against the accused does not actually constitute an offence for the reason that the prosecution is bound to fail on account of technical defect. Present matter is pending for securing presence of accused since long. Record also indicates that no C.A. report is filed since long. Therefore, without C.A. report, it would be unnecessary to conduct the matter by proceeding further. Above all, if the proceeding is continued with the material on record, it would be an abuse of the process of the Court. No prima facie case is made out against the accused. Hence, I would deem it appropriate to stop the proceeding by invoking power under section 258 of Cr.P.C. Hence, the order:

ORDER

1. The proceeding S.C.C. No.33/2024 is hereby stopped vide section 258 of Cr.P.C.
2. The accused is hereby discharged from the offence punishable under section 65(e) of Maharashtra Prohibition Act vide section 258 of Cr.P.C.
3. The original police papers be retained in "C" file for their use in the event of reopening of the case under section 300(5) of Cr.P.C.
4. Bail bonds stands canceled, if any.
5. Seized muddemal kept in police station be sent to concerned State Excise Department for disposal as per law after appeal period is over.

(Pronounced in open Court)

Date: 10/09/2025

Sd/-
(N. S. Sabnis)
Judicial Magistrate F.C.
Court No.2, Parner.