

MHAU070029142022



S.C.C.No.1071/2022

State of Maharashtra Vs. Dharam Raju Kale

Order Passed below Exh.1

1. This is the summon case instituted on police report. It is registered as summary case and tried as summary way. The accused is alleged to have committed an offence punishable under section 65-e of the Maharashtra Prohibition Act, 1949.

2. Perused the record. Repeatedly Summons/BW/NBW is issued against accused but prosecution failed to secure his presence. So also there is no C.A. report on record. It would be futile exercise to try matter without C.A. report. It would be not proper to keep pending on the board the case for years without progress.

3. Thus, in such circumstances I find it difficult to decide the case on merits and in accordance with the normal procedure contemplated by the Code of Criminal Procedure, 1973 for failure of the prosecution to secure the presence of the accused. Hence, I find that there is no propriety in keeping the case pending on the board for years together, without any substantial progress being made. Thus, in this backdrop the following order is passed.

ORDER

- 1.** The proceeding of the case is stopped under Sec. 258 of the Criminal Procedure Code 1973.
- 2.** The accused is hereby acquitted of the offence punishable under section 65(e) of the Maharashtra Prohibition Act, 1949.
- 3.** The Bail bonds and bonds of the accused be cancelled, if any.
- 4.** Seized Muddemal be disposed of as per rules after appeal period is over.
- 5.** Case papers be filed accordingly.

Date : 12/03/2026

(Sushama S. Agrawal)
Judicial Magistrate, F.C., Gangapur

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same word to word, as per the original order.

Name of Steno : S.M. Shaikh.

Court Name : Judicial Magistrate (First Class),
Gangapur, Dist. Aurangabad.

Date of Judgment/Order : 12/03/2026

Judgment/Order signed by the
Presiding Officer on : 12/03/2026

Judgment/Order uploaded on : 12/03/2026