



**ORDER BELOW EXH.1 IN S.C.C. NO.290/2023**

The present case is put up before this Court in the Special Drive as per the directions of the Hon'ble High Court.

2] In the instant case, the accused is alleged to have committed offence punishable under Section 65(e) of the Maharashtra Prohibition Act, 1949. On going through record, it reveals that the case is pending for securing presence of accused since long. Despite many efforts, presence of accused could not be secured till date. There is no possibility to secure the presence of accused in near future. The case is pending without any progress.

3] It is also necessary to note that till today, the Chemical Analysis Report is not filed on record. In the absence of the same, it would be difficult to arrive at a conclusion as to whether the seized muddemal is antiseptic, medicinal, toilet preparation or alcoholic.

4] Considering the aforesaid reasons, no purpose would be served in keeping the case pending. Thus, this is a fit case to resort to Section 258 of the Code of Criminal Procedure, 1973. Hence, the following order :

**ORDER**

1. The proceeding of the instant case is stopped *vide* Section 258 of the Code of Criminal Procedure, 1973 with liberty to the Prosecution to revive the proceeding by showing justifiable grounds.
2. The accused namely, **Baban Ravsaheb Rathod** is discharged from the offence punishable under Section 65(e) of the Maharashtra Prohibition Act, 1949 *vide* Section 258 of the Code of Criminal Procedure, 1973.
3. The seized muddemal, i.e. 21 bottles of country liquor be sent to the Excise Department (if not sent earlier).
4. The seized article in the nature of tyre tube, plastic cans, bags, tubs and other manufacturing and storing equipment, if any, being worthless be destroyed after the appeal period is over (if not disposed off earlier).

Date : 12.03.2026

(H.M. Momin)  
Judicial Magistrate First Class,  
(Court No.3) Georai

