



S.C.C. No.221 of 2022
CNR No.MHBU170007182022
State Vs. Shivaji Avhad.

Order below Exh.01
(Dt.11-03-2026)

Perused record. The crime is registered on **30-06-2022** under Section **65 (E)** of the Maharashtra Prohibition Act. Today the accused is absent. Report of chemical analyzer is not on record. As such, there is defect in the investigation. Case is registered on **20-08-2022**. Plea of the accused could not be recorded owing to absence of the accused. Prosecution failed to take proper steps and secure presence of the accused. Summons issued time and again. But of no avail. Police machinery failed to secure presence of accused. Sufficient opportunities given to the prosecution. Therefore, it seems, on the basis of material available on record, that it is difficult to secure presence of accused near future. There is no point in keeping the case pending. The case is registered as regular criminal case considering the punishment provided for the offence. However, it is to be tried as a summons case. This being a summary case Section 258 of the Cr. P. C. is applicable. In view of the directions issued by the Honourable High Court, the case is identified for being disposed of in Special Drive. Therefore, in the circumstances, following order is passed.

ORDER

- (1) The proceeding is stopped under Section 258 of the Code of Criminal Procedure.
- (2) Accused is hereby acquitted.
- (3) The muddemal be sent to -excise department **Mehkar**, for disposal according to law.

(Pronounced in open Court)

Dt.11-03-2026

Sd/-
(R. B. Hanwate)
J.M.F.C., Court Lonar.