



S.C.C. No.405 of 2019
CNR No.MHBU170007282019
State Vs. Uttam Rathod.

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

Perused record. The crime is registered on **22-06-2019** under Section **65 (D)** 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 **28-08-2019**. 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. 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) Seized muddemal is already destroyed on the spot therefore, no need to pass any specific order in that regard.

(Pronounced in open Court)

Dt.11-03-2026

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

I affirm that the contents of this PDF file Order / Judgment are correct word to word as per the original.

Name of Court : Shri. R.B. Hanwate
Judicial Magistrate First Class, Lonar.

Name of Steno : Gajanan Ramdhan Ingle
Stenographer, Grade - 3, Lonar.

Date : 10/03/2026.