



Received On	02-01-2020
Registered On	02-01-2020
Decided On	06-05-2026
Duration	06Y - 04M -4D

**Part A\*****[Para 44 (i) of Chapter VI of Criminal Manual]**

<b><u>Below Exhibit -10</u></b>	
<b>IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, AHERI AT AHERI [Presided over by : S.M.H. Shahid]</b>	
Details of FIR/Crime and Police Station	<b><u>Crime no. 215/2019</u> Aheri Police Station, District Gadchiroli.</b>
Date of Judgment	<b>06-05-2026</b>
Case No.	<b>Sum. Cri. Case No. 04/2020 CNR – MHGA0000002020</b>
Complainant/Prosecution	<b>State of Maharashtra, PSO Aheri (Informant: Shri. Devidas Mankar)</b>
Represented by	<b>Mr. R.S. Undirwade, (learned Assistant Public Prosecutor)</b>
Accused	<b>Joti Ganpat Tokla Age 40 years, Occupation – Labourer, Resident of Devalmari, Taluka Aheri District Gadchiroli.</b>
Represented by	<b>Mr. Satish Jainwar (learned defence Advocate)</b>

**Part B\*****[Para 44 (ii) of Chapter VI of Criminal Manual]**

Date of Offence	23-09-2019
Date of FIR	23-09-2019
Date of Chargesheet	02-01-2020
Date of Framing of Charges	22-10-2021
Date of commencement of evidence	03-01-2022
Date on which judgment is reserved	06-05-2026
Date of the Judgment	06-05-2026
Date of the Sentencing Order, if any	--

\* As per Gazette Notification no. 0801/2022 dt. 14<sup>th</sup> July 2022

**Accused Details**

Rank of the accused	Name of accused	Date of Arrest	Date of Release on Bail	Offence charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.PC.
1.	<b>Joty Ganpat Tokla</b>	02-01-2020	02-01-2020	65(e) Mah. Pro. Act.	Acquitted	--	--

**Abbreviations used in this Judgment (*in alphabetical order*)**

Code of Criminal Procedure, 1973	<b>Criminal Code</b>
Indian Evidence Act 1872	<b>Evidence Act</b>
Maharashtra Prohibition Act	<b>Prohibition Act</b>

**Appendix****Part C**

[Para 44 (iii) of Chapter VI of Criminal Manual]

**LIST OF PROSECUTION/DEFENCE/COURT WITNESSES****A. Prosecution:**

RANK	NAME	NATURE OF EVIDENCE
<b>PW1</b>	Devidas Markhandi Mankar (Below exh.10)	Informant
<b>PW2</b>	Rajkumar Chandrabhan Sahare (Below exh.10)	Investigating Officer

**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS****A. Prosecution:**

Sr. No.	Exhibit number	Description
1.	Exh. P-12/P. W. No. 01	Report
2.	Exh. P-13/P. W. No. 01	Spot Panchnama
3.	Exh. P-14/P. W. No. 01	C.A. Form

**D. Material Objects:**

Sr. No.	Material Object number	Description
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### **J U D G M E N T**

(Delivered on 06<sup>th</sup> June 2026)

The accused **Joty Ganpat Tokla** is stands prosecuted of an offence punishable under section 65(e) of Bombay Prohibition Act.

### **THE PROSECUTION CASE IN NUTSHELL**

2. On 23-0902019 at village Devalmari Tq. Aheri District Gadchiroli in the house of accused during raid, found 10 liters *Guda-Moha Liquor* and accused was illegally selling the same without any pass or permit. Hence, police station Aheri registered an offence punishable under section 65(e) of the Bombay Prohibition Act against the accused.

### **CHARGE**

3. The accused appeared before the Court. My Ld predecessor recorded the plea vide Exh. 10. She pleaded not guilty and claimed to be tried. Her defence was of total denial and false implication.

### **STATEMENT**

4. Statements of the accused under Section 313 of Cr.PC. was recorded below Exh.10. Her defence is of total denial.

### **ARGUMENT**

5. Heard argument advanced by the learned Assistant Public Prosecutor and Learned advocates for accused.

**POINTS AND FINDINGS**

6. After considering material available on record following points arose for my determination. I also recorded my findings against each of them for the reasons to follow:

<b><u>S.No</u></b>	<b><u>Points</u></b>	<b><u>Findings</u></b>
01	Whether the prosecution prove that on 23-09-2017 at village Devalmari Tq. Aheri District Gadchiroli in the house of accused during raid, found 10 liters <i>Guda-Moha Liquor</i> and accused was illegally selling the same without any pass or permit and thereby committed an offence punishable under section 65(e) of the Bombay Prohibition Act?	In the Negative
02	What order?	Accused is acquitted.

**REASONS**

7. In the present matter prosecution has examined three witnesses .i.e PW-1 Devidas Mankar and PW-2 Rajumar Share in order to bring home guilt of accused.

**AS TO POINTS NOS.1 AND 2 :-**

8. **PW-1 Devidas Mankar** is informant who deposed that on secret information Police staff have raid the house of the accused on 23-09-2019 as the accused was selling liquor illegally. During raid, they found that the accused was in possession of Guda- Moha Liqour. The accused was selling the same illegally. During raid the police has seized 10 liters in possession of the accused out of which one bottle is prepared to Chemical Analysis and on the

spot has prepared Spot Panchnama, Recovery Panchnama and CA Form. Thereafter, he has lodged report with police station. During the examination in chief, he admitted contents of **Spot Panchnama Exh.P- 12, C.A. Form Exh.P- 13 and Oral Report Exh.P-14** to be true and correct. It is imperative to note here that during cross-examination of this witness only suggestions were offered. However, all these suggestions were denied by the witness in cross-examination.

9. **PW-2 Rajkumar Sahare** is Investigating Officer. He deposed that on 23-09-2019 he was posted at Police Sation Aheri and in the present crime investigation was entrusted to him. He deposed that after completion of investigation he has filed charge-sheet against the accused. It is imperative to note here that during cross-examination of this witness only suggestions were offered. However, all these suggestions were denied by the witness in cross-examination. However, all the suggestions were denied by witness.

10. In the present case one sample of Country liquor bottle was sent to the Chemical Analyzer for further examination. The report of said examination was filed on record but no witness is examined to prove the same. It is doubtful whether the sample sent to Chemical analyzer was a country liquor or any other chemical. Even otherwise as the panch and other independent witnesses are not examined therefore seizure of country liquor from custody of accused is doubtful. Moreover, no independent witnesses are examined by the police in order to corroborate the case against the accused. In the present case, prosecution has not examined independent witnesses and witnesses examined by the police are only police personal in such circumstance unless there is corroboration from independent witnesses it would not be appropriate to rely only on the testimonies of police personal. Thus, the prosecution failed to prove the guilt of the accused beyond reasonable doubt. Similarly, the prosecution failed to satisfy necessary ingredients of the offence punishable under section 65(e) of the Prohibition Act.

11. After considering the evidence available on record, arguments advanced by learned APP for the state and advocate for accused and facts and circumstances of this case, I come to the conclusion that the prosecution failed to prove that accused has committed an offence punishable under section 65(e) of the Prohibition Act beyond reasonable doubt. that is why I have recorded my finding as to point no.1 in negative. In view of negative finding of above point, accused is required to be acquitted. In the result I proceed to pass the following order.

### **ORDER**

1. Accused **Jyoti Ganpat Tokla**, Resident of **Devalmari**, Taluka **Aheri** District **Gadchiroli** hereby acquitted vide section 255(1) of the Code of Criminal Procedure for the offense punishable under section 65(e) of the Bombay prohibition Act.
2. The accused is directed to execute bond with surety of Rs.45000/- in compliance of section 437-A of Criminal Procedure Code .
3. Judgment is dictated and pronounced in the open court.

Date:-06-05-2026

(S.M.H.Shahid)  
Judicial Magistrate First Class  
Aheri