

MHKO070017002024



S.C.C.No.549/2024

State of Maharashtra
Vs.
Dipak Devnath Nishad

Order Below Exh.1

Accused is charge-sheeted for having committed an offence punishable under Section 75 (a) of the Bombay Prohibition Act, 1949. Charge-sheet is filed in the year 2024. On perusal of record it reveals that the prosecution has failed to secure the presence of the accused inspite of giving sufficient opportunity to the prosecution to secure the attendance of the accused, prosecution failed to do so. Read Exh.2 to 10. It shows the unserved report of warrant issued to the accused. Today also prosecution filed the unserved report of the warrant of the accused. Therefore, it is futile to keep the case pending on for uncertain period. Considering all the above aspects on record, this a fit case to stop the proceeding under Section 258 of the Code of the Criminal Procedure, 1973. Hence, I proceed to pass the following order -

ORDER

- 1) The proceeding of the case is hereby stopped as per Section 258 of the Code of Criminal Procedure, 1973.
- 2) The accused namely **Dipak Devnath Nishad** is hereby released and consequently deemingly discharged for having committed an offence punishable under Section 75 (a) of the Bombay Prohibition Act, 1949 vide Section 258 of the Code of Criminal Procedure, 1973.
- 3) Case papers be filed.

Date-01/04/2026
Jaysingpur

(**A. T. Mangire**)
Judicial Magistrate, F.C., Court No.1
Jaysingpur, Tal.Shirol, Dist.Kolhapur

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

Name of the Stenographer	Sou. P. S. Musale
Name of Court	Jt.C.J.J.D.& J.M.F.C., Jaysingpur.
Date of Dictation.	01/04/2026.
Judgment/order signed by the PO on	01/04/2026.
Judgment/order uploaded on	01/04/2026.