

MHKO120003842023



Sum. Cri. Case No.130/2023
(CNR No. MHKO120003842023)

Order below Exh.1

(Special Drive held on 20/03/2025)

The case is filed under Section 65(e) of Bombay Prohibition Act. It reveals from the record that matter is pending for plea. The C.A. report, which is as determinant evidence, to decide the guilt of accused is not produced on the record. Therefore, in the absence of evidence of C.A. report on the record, the guilt of the accused cannot be proved in any event. Hon'ble Registrar (Inspection-I), High Court of Bombay (A.S.), Mumbai letter No.SCMS/09/2025 dated 07 January, 2025, directed to undertake Special Drive. Therefore, in above circumstances, it will not be appropriate to keep the matter pending. Therefore, in above circumstances, I am of the view that this is a fit case to be disposed off u/s.258 of Cr.PC.,1973/Sec.281 of BNSS, 2023. Hence, the following order :-

ORDER

1. The proceeding is stopped vide Section 258 of Cr.PC., 1973/Sec.281 of BNSS, 2023.
2. The accused is discharged.
3. The bail bond of accused stand cancelled, if any. Cash security be credited to State, if any.

4. The seized muddemal liquor be forwarded to Collector, Excise Department, Kolhapur for disposal according to law and the amount shall be credited to the State after expiry of the appeal period.
5. Call back warrant, if any, issued against accused person.
6. The original police papers be retained in C file for their use in the event of reopening of case under Sec.300(5) of Cr.PC.,1973/Sec.337(5) of BNSS, 2023.

(Dictated and pronounced in open Court).

Date : 20/03/2025

(V. V. Kulkarni)
Judicial Magistrate First Class,
Gargoti