

MHND140013142025

**SCC No. 314/2025**
State Vs. Gunvant Yashamwar**ORDER BELOW EXH. 01**
(Passed on this 13th August, 2026)

1. Perused the record. The accused is charged with the offence punishable under Section 65 (e) of the Bombay Prohibition Act. On perusal of record of the case, it appears that till today more than 1 year have been elapsed from the date of institution of this case. C.A. report has been not filed on the record. Therefore, without C.A. report there is no possibility of success in the favour of the prosecution. Therefore, it is not just and proper to keep pending this matter.

2. As per the provisions of Sec. 116 of the Bombay Prohibition Act, 1949 while trying the cases under the said Act, the procedure prescribed in the Code of Criminal Procedure for the trial of summary cases in which an appeal lies has to be followed. Therefore, this case has to be tried as per the procedure prescribed for summary trial in the Code of Criminal Procedure. Therefore, in the circumstances referred to above as per the provisions of Sec. 258 of the Code of Criminal Procedure the proceeding of this case can be stopped. In this connection I also rely upon the Judgment of the Hon'ble Bombay High Court in the matter of **Mulchand Motilal Raka vs State of Maharashtra, 1996 (2) crimes 177**, in this matter the Hon'ble Court mentioned that 'section 258 of the code which empowers to stop the proceedings in certain cases is intended to meet with certain situations, where the presence of accused persons cannot be secured or presence of any important witness cannot

be secured by the prosecution, which is necessary for the trial case. Therefore, where the Magistrate does not find it possible to dispose of the matter by adopting normal procedure contemplated by the code for one reason or other as herein above stated, in such situation it would be open to the Magistrate to stop further proceedings of the case'. Therefore, as per the provisions of the Section 258 of the Code of Criminal Procedure, the Court may stop the proceedings. Hence, in the circumstances referred to above it is just and proper to stop the proceeding of this case. Hence, I pass following order:

: ORDER :

1. Proceeding is stopped vide Section 281 of the Bhartiya Nagarik Suraksha Sanhita, 2023.
2. The accused be discharged.
3. Bail Bond of the accused, if any stands cancelled.
4. Muddemal 09 bottles of country liquor be sent to Excise Department, Nanded for disposal after appeal period is over as per rule.

Degloor
Date : 13.08.2026

(R. L. Rathod)
Judicial Magistrate, First Class,
Degloor, Dist. Nanded.

CERTIFICATE

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	Ganesh V. Kulkarni (Grade-3)
Name of Court	Shri. Ravindra L. Rathod, C.J.J.D. and J.M.F.C., Degloor
Date of Dictation	13/08/2026
Judgment signed by the P.O. on	13/08/2026
Judgment/Order uploaded on	13/08/2026