

MHNG170003072023



IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
BHIWAPUR

S.C.C.No. 5/2021

State -Vs- Yashwant Bhagwan Gaikwad

O R D E R

(Passed on 10th March, 2026)

The matter is old one and ineffective since 2023. Accused is absent since recording of his plea i.e. 01.06.2023. In the present matter the offence alleged against the accused under Section 65 (e) of Maharashtra Prohibition Act. On perusal of record, it appears that, on several times BW/NBW were issued against the accused, but prosecution has failed to secure the presence of accused despite sufficient opportunities.

It is also important to note that the chemical analyzer report is not on record. The case is pending since 2023 and accused is absent after recording of his plea. Therefore, if the case is pending on record no purpose will serve is the absence of chemical analyzer report. In such circumstances, there is no possibility to secure the presence of accused in near future. Therefore, no fruitful purpose would be served to keep the matter pending as it is. Thus, as considering the facts and circumstances of the case, this case is fit to invoke the powers under section 258 of Cr.P.C. In view of above circumstances, it would be just, fair and proper to stop the proceedings. Hence, I proceed to pass the following order.

ORDER

1. The proceeding is stopped under Section 258 of Cr.P.C.
2. Accused is discharged.
3. NBW, if any, issued is called back.
4. The seized 30 bottles of liqueur be sent to the State Excise Department for disposal as per rule.

Bhiwapur.
Date :10.03.2026

Sd/-
(S. J. Lad)
Judicial Magistrate First Class,
Bhiwapur.