

**S.C.C. No. 872/2024**

**State Vs. Ram**

**Order Below Exh. 1**

This matter has been kept in special drive as per the direction of Hon'ble Secretary Nagpur District legal aid services to undertake special drive programme. In the present matter, the accused are charged with the offence punishable under Section 65(E) of the Maharashtra Prohibition Act. On perusal of record of the case, it appears that till today more than 1 year and nine month have been elapsed from the date of institution of this case, but the prosecution has failed to secure presence of the accused persons. 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 Sec. 258 of the Code of Criminal Procedure, the Court may stop the proceedings. Hence, in the circumstances referred to above, i am of the view that, it is just and proper to stop the proceeding of this case. Hence, I pass following order:

### **ORDER**

- 1) Proceeding is stopped vide Section 258 of the Code of Criminal Procedure/ Sec. 281 of bhartiya Nagarik Suraksha Sanhita.
- 2) The accused is discharged.
- 3) Bail Bond of accused, if any stands canceled.
- 4) Muddemal, if any be forwarded to Excise department as per rule.

**Kalmeshwar**  
**Date : 12/03/2026**

Sd/-  
**(S.B. Mandwe)**  
**Judicial Magistrate First**  
**Class, Kalmeshwar.**

**C E R T I F I C A T E**

I affirm that the contents of the this PDF file order are same word to word, as per the original order.

Name of the stenographer - J.J.Kadu (L.G.)