


MHNS130019012021 	S.C.C./1447/2021 State through Ozar Police Station Vs. Ambadas Hari Pawar
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ORDER BELOW EXH 1 IN
SUMMARY CRIMINAL CASE NO.1447 OF 2021
(Passed on the day 10th March, 2026)

1] The accused is charged with the offence punishable under Section 65(e) of the Maharashtra Prohibition Act, 1949. C. A. report is not filed in this case. There is no prospect that case would end in conviction. Moreover, record shows that the accused is absent since long. Prosecution failed to secure presence of the accused.

2] In case of *Mulchand Motilal Raka V/s. State of Maharashtra (1996 (1) BomCR 316)* it is held 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 the accused persons cannot be secured or presence of any important witness cannot be secured by the prosecution, which is necessary for the trial of the 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, in such situation it

would be open to the magistrate to stop further proceeding of the case. Hence, following order is passed.

ORDER

1. The proceeding is stopped and the accused is discharged for the offence punishable under Section 65(e) of the Maharashtra Prohibition Act, 1949 vide Section 258 of the Code of Criminal Procedure, 1973.
2. Bail bonds of the accused, if any, are cancelled.
3. Seized muddemal i.e. 10 bottles of Country liquor, be sent to the Collector, State Excise office, Nashik for disposal according to law.

Sd/-

(A. J. Patil)

Judicial Magistrate First Class,
Pimpalgaon (B).

Date :- 10/03/2026

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