

MHNS160010742024



Summary Criminal Case No.436/2024
State ..Vs.. Dilip Popat Rakibe + 1
Special Drive

(ORDER BELOW EXH.1)

Perused record. Matter is pending for securing presence of accused. However the accused are absent. Summons/warrants were repeatedly issued against accused but prosecution failed to secure his presence despite several opportunities. In such circumstances, possibility of securing his presence in near future appears remote. Case is old, stale and ineffective. Moreover there being report of Chemical Analyzer forthcoming on record, however due to continuous absence of accused there is no possibility that the case will be concluded in near future and that is also in conviction of accused. In spite of several opportunities, prosecution could not secure the presence of accused. There is no progress in the case since long, due to continuous absence of accused. There is no subject to keep such stale and ineffective case on the board. Thus, considering facts and circumstances as well as the nature of offence levelled against accused and the purpose of special drive, this is a fit case where powers under section 258 of Cr.P.C can be invoked. Hence, in the interest of justice, I proceed to pass the following order.

ORDER

1. The proceeding is hereby stopped under section 258 of Criminal Procedure Code.
2. Accused are discharged for the offence punishable under section 65(e), 83 of the Bombay Prohibition Act.
3. Bail bond of accused stands cancelled.
4. Muddemal 100 bottles of country liquor of 90 MLs. be sent to Excise Department for disposal as per rule after appeal period is over.
5. The seized muddemal one Bajaj Company's Platina Motorcycle no. M.H. 15, B.S.8813 is seized accused. However no documents are filed on record to show that motorcycle is given to him. If seized motorcycle is given to claimant then its custody be continued with him after appeal period is over. If the seized motorcycle is not claimed by anybody then it be sold out as per law and it's amount be credited to government.

Date 10.03.2026.

(Smt.Vrushali D.Sungare)
Judicial Magistrate First Class, Chandwad