

ORDER PASSED BELOW EXH. 1 IN S.C.C. No.321/2023
(CNR.NO.MHNS-2000-0755-2023)

Special Drive is conducted as per the direction. The case was instituted otherwise than upon police report. The accused is charge-sheeted for an offence punishable under section 65(e) of the Maharashtra Prohibition Act, 1949. The charge sheet came to be filed on 15.04.2023. It appears that multiple times summons was issued against the accused. It also appears that the prosecution has not file Chemical Analyzer's report. In such circumstances, it will futile exercise and a waste of Courts time if the trial is conducted. Therefore, it appears to be a fit case to resort to Section 258 of the Code of Criminal Procedure, 1973. Hence, I pass the following order:

ORDER

01. The proceeding is stopped vide section 258 of the Code of Criminal Procedure, 1973.
02. The accused namely Somnath Murlidhar Kurhade is hereby released of the offence punishable under sections 65(e) of the Maharashtra Prohibition Act, vide section 258 of the Code of Criminal Procedure, 1973.
03. The liquor be confiscated to the State Excise Department as per section 98 of the Maharashtra Prohibition Act, 1949, for its appropriate disposal as per law.
04. The order of the Muddemal be implemented after the period of revision. The investigating officer shall take the necessary

photographs of the muddemal and shall submit the same in the event of reopening of the case under section 300 (5) of the Code of Criminal Procedure, 1973.

05. The original police papers i.e. 'C' file be retained for their use in the event of re-opening of the case under section 300 (5) of the Code of Criminal Procedure, 1973 when it is sent to the records.

Dated : 10.03.2026

(R. R. Jadhav)
Judicial Magistrate First Class,
(Court No. 2), Sinnar.