



S. C. C. No. 913/2020
State of Maharashtra
-Vs-
Kiran Tawade

ORDER BELOW EXH.1

(Passed on this 08th day of February, 2023)

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The accused is absent. Perused the record. The presence of the accused could not be secured despite of issuance of summons. The summons serving machinery failed to file service report of summons on record. For want of service report, coercive step cannot be taken against the accused. There is no possibility of securing presence of the accused near in the future. The instant case is pending without progress. Moreover, there is no C. A. report on record. The charge sheet is filed on 03.12.2020. But, the concerned police failed to file C. A. report on record for more than two years of filing of charge sheet. The C. A. report is important evidence in this case. For want of C. A. report, it cannot be proved that the seized material was liquor. No purpose would be served in keeping the instant case pending, as fate of the case is disclosed. It is necessary to stop the instant case under section 258 of Cr. P. C. Hence, I pass following order:-

ORDER

1. The proceeding of this case is hereby stopped under section 258 of Cr. P. C.
2. The accused is discharged for the offence punishable under section 65 (a) (e) of the Maharashtra Prohibition Act.

3. His P. R. bond shall stand cancelled. His cash security is forfeited to the government.
4. The Inspector, State Excise Department, Palghar is directed to dispose of illicit liquor according to Law.
5. The seized vehicle be released in the custody of registered owner after appeal or revision period is over, in case it is not released on executing indemnity bond.
6. Office of this Court is directed to take note of order of forfeiture of cash security of the accused in concerned registered forthwith.

(Typed and pronounced in open Court.)

Palghar
Date:- 08.02.2023.

(Mahendra K. Sorte)
Judicial Magistrate First Class,
Palghar.