



S. C. C. No. 830/2020
State of Maharashtra
-Vs-
Rajesh Ravtya

ORDER BELOW EXH. 1

(Passed on this 06th day of September, 2023)

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The accused is absent though called repeatedly. Perused the record. The presence of 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. Moreover, there is no C. A. report on record. The charge sheet is filed on 09.11.2020. But, the concerned Excise department failed to file C. A. report on record for more than two years nine months 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. The Inspector of State Excise Department needs to be directed to dispose of the seized illicit liquor according to Law. 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 (e), 108 of the Maharashtra Prohibition Act.

3. His bail bond shall stand cancelled.
4. The Inspector, State Excise Department, Palghar is directed to dispose of the seized liquor according to Law.
(Typed and pronounced in open Court.)

Palghar
Date:- 06.09.2023.

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