

SCC No. 306/2024
State vs. Dhaki Waghmare
CNR No. MHRG060005932024

ORDER BELOW EXH. 01
(Passed on 09.03.2026)

Perused record.

2. The matter is fixed for appearance of the accused in which charge-sheet has been filed under section 65 (e) of the Bombay Prohibition Act on 22.05.2024. Accused has initially appeared but did not furnished surety. Thereafter, accused started remaining absent continuously till today. Sufficient opportunity has been given to the prosecution to secure the presence of the accused. But the prosecution has failed to secure the presence of the accused. The case is more than 01 years 09 months old. In such circumstances, I do not found any substance to keep the matter pending idle for years to come. This Court is of the opinion that, the present case is fit to stop proceeding under section 258 of the Code of Criminal Procedure. Hence, the Court inclined to pass following Order:

ORDER

- (i) The proceeding is stopped under section 258 of the Code of Criminal Procedure.
- (ii) Accused Dhaki Rama Waghmare is discharged of the offence punishable under section 65 (e) of the Bombay Prohibition Act.
- (iii) As per Section 451 of the Code of Criminal Procedure, after appeal period, seized property be disposed of as per law.
- (iv) The original police papers be retained in "C" file for their use in the event of re-opening the case under section 300(5) of the Code of Criminal Procedure.

Place : Pen.
Date : 09.03.2026

(Smt. A. A. Kale)
Judicial Magistrate First Class, Pen.