

MHRG080009642017

S.S.C. NO.603/2017*(State of Maharashtra V/s. Uday G. Das)***Order Below Exh.1**

Today this case is kept for the special drive. Perused the record and proceeding. None is present when called for. The accused is charge sheeted for the offence punishable u/s.65(e) of the Maharashtra Prohibition Act. The charge sheet is filed on 21/07/2017. The accused appeared in the case and plea of accused recorded on 10/02/2023. The prosecution has not examined any witness till today. Therefore, summons as well asailable warrant issued against the witnesses several times, presence of witnesses is not secured till today. Cognizance of offence punishable u/s. 65(e) of Maharashtra Prohibition Act is taken on 09/07/2018. The record shows that the accused absent in the case since 08/03/2023. Therefore, nonailable warrant is issued against the accused on 22/11/2024, but his presence is not secured till today. Prosecution has produced Chemical analysis report on record. On perusal of said report it shows that, alleged offence is committed on 14/09/2016. Muddemal is sent for Chemical analysis on 27/07/2016 and it is analyzed on 19/10/2016. It means Investigation officer has not taken care to send muddemal for Chemical analysis immediately. Under such circumstances no fruitful purpose will be served by keeping present case pending henceforth. Therefore, I am of considered view that it is fit case to stop the proceeding u/s.258 of Code of Criminal Procedure. In this view of matter, I proceed to pass the following order.

ORDER

- 1- The proceeding is stopped u/s.258 of the Code of Criminal Procedure.

- 2- Accused stands discharged.
- 3- Bail bonds of accused stands canceled.
- 4- Seized illicit liquor is not deposited in the Court. If the same is available with police, then police is directed to deposit the same with the office of Superintendent, State Excise, Raigad Division, Raigad for disposal as per law.

Date. 09/03/2026

(Dipali S. Khot.)
Judicial Magistrate, First Class,
(Court No.2), Khalapur.