



**ORDER BELOW EXH. 1 IN S.C.C. NO.39/2024**

**State Vs. John D'souza etc.2**

**MHSI06-000076-2024**

1. In view of upcoming Lok-adalat, the Hon'ble High Court of Bombay vide letter bearing No. B(Gen)/1001/2026/615, dated 20/04/2026 directed to undertake the special drive from the date 04/05/2026 to 08/05/2026 to dispose off the ineffective case u/s. 256 and 258 of Cr.P.C. Hence, the present matter is fixed for appropriate order.

2. This is summary criminal case filed under section 65(a), 65(e) of the Maharashtra Prohibition Act. Perused record of the proceeding, it appears that, on 13.10.2025 summons was issued to the accused. Further, accused was failed to appeared before the Court. Further N. B. W. is also issued against the accused. However, no report received by this Court till today. Thereafter, no steps has been taken by prosecution to secure the presence of the accused. On perusal of the record, it appears that, this case has been filed on report in the year 2024 and till date no C.A. report is filed on record. It is provided that, the C.A. report in the case shall be filed within six months from the date of filing the case in the Court. Therefore, examination of witnesses is worthless in absence of C.A. report and prosecution cannot prove the guilt of the accused beyond reasonable doubt. Therefore, no purpose would served by keeping the case pending as it is. In such circumstances, it would be proper to stop the proceeding under section 258 of Code of Criminal Procedure. Hence, I pass following order.

**-:: ORDER ::-**

1. The proceeding of the case is hereby stopped vide section 258 of Code of Criminal Procedure, 1973 with liberty to prosecution to revive the proceeding on the arrest or securing presence of the accused by showing justifiable grounds.
- 2 The original police papers be retained in 'C' file for their use in the event of reopening of the case u/s.300(5) of Code of

Criminal Procedure.

3. Accused namely 1-John Thomas D'souza and 2- Mangesh Manohar Bhaidkar are discharged vide section 258 of Code of Criminal Procedure for the offences punishable under section 65(a), 65(e) of the Maharashtra Prohibition Act.
4. Bail bonds of the accused person (if any) stands cancelled and surety bond (if any) is hereby discharged.
5. After appeal period is over, Inspector, State Excise, Check post Insuli is hereby directed to seized Goa made liquor property shown in charge-sheet at Sr.No.1 to 6 if not destroyed, be handed over to the Superintendent, State Excise Department, Sindhudurg at Oros for further proceeding.
6. After appeal period is over, Inspector, State Excise, Check post Insuli is hereby directed to seized muddemal property shown at Sr.7 in the charge-sheet i.e. one Bajaj Discover motor cycle bearing registration No.MH-07-M-7514 is already handed over to it's owner on Supurtnama, the conditions of the Supurtnama are hereby relaxed.
7. Proceeding is closed.

(Smt. R.G.Kumbhar)

Judicial Magistrate F.C.,

Sawantwadi.

Date:-08/05/2026