

MHSI06-000477-2023



S.C.C.266/2023
State-Vs- Mithilesh

ORDER PASSED BELOW EXH.1

(Passed on 11/03/2026)

The Hon'ble High Court of Bombay by Letter No. B(Gen)/1001/2026/223, dated 18/02/2026 directed to organize special drive for disposal of cases. Hence, the instant matter is fixed today for appropriate order.

2) The instant case is summons case for the year 2023 in respect of offence punishable under Section 65(e) of Maharashtra Prohibition Act. The accused is absent since inception. In spite of issuance of summons the presence of the accused could not be secured till today. The case is pending for appearance of accused. In the circumstances it is quite difficult to proceed with the matter. The Hon'ble High Court of Bombay in **Mulchand Raka-Vs- Maharashtra 1996(1) Bom.C.R. 316** held that, section 258 of Cr.P.C. can be resorted to where the special or unusual circumstances exists such as non appearance of the accused before the Court for considerable time, which make it difficult or impossible for the Magistrate to proceed with the case in a normal way and in such situation without any hindrance the provision of section 258 of Cr.P.C. can be resorted to. The said ratio is aptly applicable to the instance case, as the police machinery is negligent in

securing the presence of the accused. Therefore, it is difficult to proceed with the case in a normal way. Hence, this is the fit case to take resort to section 258 of Cr.P.C.. Hence, I pass the following order.

Order

1. The proceeding is stopped vide Section 258 of Criminal Procedure Code with liberty to the prosecution to revive the proceeding on the arrest or securing presence of the accused by showing justifiable grounds.
2. Bail Bonds of the accused, if any, stands cancelled/ cash security, if any be forfeited and credited to the Government.
3. Seized liquor be sent to the Excise Department for its disposal according to law and other muddemal be destroyed, after appeal period is over.
4. The original police paper be retained in "C" file for their use in the event of reopening the case under Section 300(5) of the Code of Criminal Procedure

Date:-11/03/2026
Sawantwadi

(Jaheda M. Mistry)
Judicial Magistrate, First Class,
Sawantwadi