

MHSN060000232023



ORDER BELOW EXH.01 IN SCC NO.28/2023
(State of Maharashtra Vs. Atul Sambhaji Malame & Ors.)

(Dated 12th March, 2026)

Perused records. Present matter is on today's board. In view of directions given by letter dated 16/02/2026 bearing No.625/2026, special drive has been undertaken during this period from 09/03/2026 to 13/03/2026. There are defunct petty matters pending in the court and directions are given to dispose these matters during this period restoring to provisions under Section 256 and 258 of the Code of Criminal Procedure, 1973. In this backdrop of these directions, I find this particular case fit for being dealt in this special drive. The accused is alleged to have committed an offence punishable under Section 65(a)(e), 81 & 83 of the Maharashtra Prohibition Act 1949.

02. Accused is absent since inception. The process has been issued against accused but police machinery has failed to secure his presence. The reports of summons are either unserved or not returned. The considerable time has lapsed and prosecution is not able to secure the presence of accused.

03. In the instant case the Chemical Analysis report is must in order to prove that, at the relevant time the accused was in possession of liquor. Despite sufficient opportunity, Investigating Officer is failed to file Chemical Analysis report.

04. Thus, in such miserable situation, I find it difficult to decide the case on merit, without any hindrance, in the normal

manner by adopting normal procedure contemplated by the Code of Criminal Procedure, 1973 for reason of failure of the prosecution to secure presence of accused for the considerable time. No purpose will be served in keeping the matter pending for years together, without any substantial progress being made. Hence, I proceed to pass the following order :-

ORDER

1. The proceeding is stopped vide section 258 of Code of Criminal Procedure 1973.
2. The accused is discharged of the offence punishable under Section 65(a)(e), 81 & 83 of the Maharashtra Prohibition Act, 1949.
3. Bail bonds of the accused stand canceled, if any.
4. **Seized Muddemal Property :-**
 - i) The custody of Hero Honda Motorcycle bearing RTO registration No.MH-11-AA-8188 be given to its original owner or if its owner is not found, proceed according to law.
 - ii) Two bags of 100 liter illicit liquor be sent to the Superintendent, State Excise Department Sangli for disposal according to law, after appeal period is over.
5. Inform concern Investigating Officer.
[Dictated & pronounced in open Court].

Place : Miraj.

Date : 12/03/2026.

(Pravin U. Kulkarni)
Judicial Magistrate First Class,
[Court No.2] Miraj.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order is same word to word, as per the original Order.

Name of the Stenographer : **Sagar Anil Kate**

Court & Judge Name : Judicial Magistrate First Class, Miraj.

Date of Order : 12/03/2026.

Order signed by the

Presiding Officer on : 13/03/2026.

Order uploaded on : 13/03/2026.