

CNR: MHSO1400-1945-2024

ORDER BELOW EXH.No. 01

1. In view of letter of the Hon'ble DLSA, Solapur bearing O.No.316/2026 dated 16/02/2026, this matter is taken up for disposal in Special Drive.
2. Perused the record and proceedings.
3. The matter is of Summons Trial.
4. In this case the complaint has been filed against the accused for commission of an offence punishable under Section 65(e) of the Maharashtra Prohibition Act.
5. It appears that accused is absent since long time. Summons is issued. The prosecution could not take any steps to secure the presence of the accused. The spot *panchnama* shows that the investigation officer has not given body search to the accused in presence of panch and then search the place of the crime where alleged muddemal is found. Further there is no statement recorded by investigation officer showing that the alleged muddemal is carried by such witness to the office of Chemical Analyzer. If this procedure has not been adopted by the investigation officer, then if this case kept alive for years together for securing the presence of accused then, on the basis of alleged *panchnama*, there will be no cogent evidence against the accused. Seized muddemal is Rs.420=00. The C.A. report is not filed. The matter is pending without any fruitful gain.
6. In such circumstances, in my view no purpose would serve by keeping the proceeding pending any more. The proceeding will have to be disposed of in view of the provisions as contained in section 258 of the Code of Criminal Procedure. In view of the above discussion, I pass the following order-

ORDER

- i. The case is disposed off under section 258 of the Criminal Procedure Code (vide section 281 of BNSS, 2023)
- ii. The accused is hereby discharged from the offence punishable under Section 65e of the Maharashtra Prohibition Act vide under Section 258 of Code of Criminal Procedure
- iii. Muddemal property return to the Excise Department.
- iv. 'C' file should not be destroyed.

Date: 13/03/2026

Sd/-
(Smt. G. S. Patil)
Judicial Magistrate F.C.,
Barshi.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original Judgment / Order.

(a)	Name of the Stenographer	:	K. S. Naik (Grade III)
(b)	Court	:	Smt. G.S. Patil, 2 nd Jt. Civil Judge, J.D.& J.M.F.C.Barshi
(c)	Judgment /Order signed by P.O. on	:	13/03/2026
(d)	Judgment /Order uploaded on	:	16/03/2026.

CERTIFICATE

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

Name of Stenographer :- K.S Naik. (Grade III)

Court :- Smt. G. S. Patil, 2nd Jt. C.J.J.D. & J.M.F.C., Barshi.

Judgment signed by the
Presiding Officer on :- 09/12/2025.

Judgment uploaded on :- 10/12/2025.