

ORDER BELOW EXH.1
(State vs. Shila)

The Hon'ble High Court of Bombay by letter No.MSLSA/2026/625 dtd.16/02/2026 directed to undertake a special drive to dispose off appropriate cases deserving closure under section 256 of the Code of Criminal Procedure / Section 279 of BNSS, 2023 & Section 258 of the Code of Criminal Procedure/ Section 281 of BNSS, 2023. Hence, instant case has been taken in today's special drive for appropriate order.

Instant case is a summons case instituted on police report for the offence punishable under section 65(E) of Maharashtra Prohibition Act. Record shows that the Investigating Officer has issued letter for investigation of samples and thereby to obtain chemical analyzer report. The letter is on record. But, he failed to file report of chemical analyzer. Thus, it is quite difficult to proceed with the matter.

In the case in hand report of chemical analyzer is the most important piece of the evidence. In spite of ample of opportunities, investigating officer failed to produce report of chemical analyzer. In absence of report of chemical analyzer, it is difficult to proceed with present case. Hence, I proceed to pass the following order-

ORDER

1. The case is hereby stopped under Section 258 of Code of Criminal Procedure / Section 281 of BNSS, 2023.
2. The accused is released from the offence punishable under Section 65(E) of the Maharashtra Prohibition Act.
3. Seized muddemal be delivered to state excise department after appeal period is over.
4. The original police papers be retained in 'C' file for their use in the event of re-opening the case u/s.300(5) of the Code of Criminal Procedure,1973 / Section 337(5) of BNSS, 2023.

Date: 13/03/2026

(A.K.Sharma)
Judicial Magistrate, F.C., Karmala

CERTIFICATE

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

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| (a) Name of the Stenographer | :- | Rutuja D. Gore |
| (b) Court | :- | Jt.CJJD & JMFC, Karmala |
| (c) Order signed by PO.on | :- | 13/03/2026 |
| (d) Order uploaded on | :- | 13/03/2026 |