

MHSO1900-1770-2023

ORDER BELOW EXH.1 IN S.T.C.No.566/2023
(State -Vs- Mithun Kale)

The accused is charge-sheeted for an offence punishable under section 65(e) of the Maharashtra Prohibition Act, 1949. The charge sheet came to be filed on 02.08.2023. It appears that summons were repeatedly issued. However, police machinery failed to file any report in respect with said summons. The prosecution has failed to secure the presence of the accused despite sufficient opportunity. The case is pending since 2023. There is no Chemical Analyzer report. In such circumstances, there is no propriety to keep the matter pending. Therefore, it appears to be a fit case to resort to Section 281 of Bharatiya Nagarik Suraksha Sanhita, 2023 (previously Section 258 of the Code of Criminal Procedure, 1973). Hence, the following order:

ORDER

01. The proceeding is stopped vide Section 281 of Bharatiya Nagarik Suraksha Sanhita, 2023 (Previously Section 258 of the Code of Criminal Procedure, 1973).
02. Accused is hereby discharged for the offence punishable u/s.65(e) of the Maharashtra Prohibition Act, vide Section 281 of Bharatiya Nagarik Suraksha Sanhita, 2023 (previously Section 258 of the Code of Criminal Procedure, 1973).
03. The liquor be confiscated to the State Excise Department as per section 98 of the Maharashtra Prohibition Act, 1949, for its appropriate disposal as per law.

MHSO1900-1770-2023

04. The order of the Muddemal be implemented after the period of revision. The investigating officer shall take the necessary photographs of the muddemal and shall submit the same in the event of reopening of the case under Section 337(5) of B.N.S.S., 2023 (previously Section 300 (5) of the Code of Criminal Procedure, 1973).

Dated : 13.03.2026

(Smt. P.S. Govekar)
Judicial Magistrate First Class,
Mohol

MHSO1900-1770-2023

C E R T I F I C A T E

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

Name of Stenographer : A.S. Bakale

Court : Judicial Magistrate F.C.,
Mohol.

Date : 13/03/2026

Judgment signed by the Presiding : 13/03/2026
Officer

Judgment Uploaded on : 13/03/2026