

MHSO1900-1947-2023

ORDER PASSED BELOW EXH.1 IN S.T.C.No.684/2023
(State -Vs- Babruwan Sawant)

Accused are charge-sheeted for offences punishable under Section 188, 269 of I.P.C., 1860, under Section 51(d) of the Disaster Management Act, 2005 and U/s. 65(e) and 83 of The Maharashtra Prohibition Act, 1949. The charge sheet came to be filed on 09.08.2023. Summons were issued against accused as per charge-sheet repeatedly. My learned predecessor has issued process against the accused persons as per Section 269 of I.P.C., 1860 and U/s. 65(e) and 83 of The Maharashtra Prohibition Act, 1949. However, police machinery failed to submit any kind of report of summons and failed to secure the presence of accused in spite of sufficient time. It is matter of fact that, the present case is more than 03 years old and it is pending on record since long. The Prosecution is not in position to secure the presence of the accused and Prosecute them in accordance of Law. There is no Chemical Analyzer report. Taking into consideration the above facts & circumstance, I am of the view that the present proceeding needs to be stopped by invoking powers under Section 281 of Bharatiya Nagarik Suraksha Sanhita, 2023 (previously U/s. 258 of Cr.P.C.). 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 are hereby discharged of the offence

punishable under Section 269 of I.P.C., 1860 and U/s. 65(e) and 83 of The Maharashtra Prohibition Act, 1949, 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.
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).
05. Bail bonds of accused stands cancelled, if any.

Dated : 13.03.2026

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

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