

ORDER BELOW EXH. 1

In the present matter, accused is prosecuted for the commission of offence punishable u/s. 65(E) of the Bombay Prohibition Act.

2. Perused record. On perusal of record it appears that, the matter is adjourned evidence. In spite of giving sufficient opportunity, prosecution failed to secure presence of witnesses. Also C.A. report is yet not filed. In absence of C.A. report it cannot be said that the accused was possessing the contraband. In that circumstances, no purpose would be served by keeping the case pending without C.A. report. In such circumstances, it will be a futile exercise to keep this matter further pending for appearance of the witnesses. This is a fit case in which, the provision contained u/s. 258 of the Cr.P.C. can be used. Hence, the following order -

ORDER

- (1) The proceeding is stopped u/s. 258 of the Code of Criminal Procedure, 1973.
- (2) The accused is discharged. Bail bonds of accused stands cancelled.
- (3) The seized muddemal be sent to Superintendent, Excise Department, Beed for disposal as per rules.

Date : 26/09/2024.
Place : Ashti.

(**S.V.Utkar**)
Judicial Magistrate F.C.,
Ashti, Dist.Beed.

CERTIFICATE

"I affirm that the contents of this PDF file are word to word as per original Judgment / order"

Dictated on : 26/09/2024

Transcribed on : 26/09/2024

Checked & signed on : 26/09/2024

Sd/-

Jalindar B. Pokale,
(Stenographer Grade-III)