

ORDER BELOW EXH. 1 IN S.C.C. NO. 637/2022

Perused the charge sheet. The accused is facing trial for offence punishable under section 65(e) of the Bombay Prohibition Act. The offence has taken place on dt. 11/06/2022 and charge-sheet has been filed on dt. 22/08/2022. The case is old one. As well as, in the present case chemical analysis report of the seized liquor is essential to prove the charge. However, till today no chemical analysis report is placed on record. Hence, the charge sheet is incomplete and if at all the regular procedure is adopted, the result of the trial will be acquittal. Hence, I do not find any reason to keep this case pending further. Hence, I pass following order-

ORDER

1. The proceeding of present case against accused is stopped under Section 258 of the Code of Criminal Procedure subject to Section 300(5) of the Code of Criminal Procedure.
2. Accused is released vide section 258 of the Code of Criminal Procedure, such release shall have the effect of discharged.
3. Bail bonds of accused stand cancelled, if any.
4. As per Section 452 of the Cr.P.C. after the appeal period, Muddemal be forwarded to the State Excise Department, for disposal according to law.
5. The proceeding of the present case stands closed.

Pune
Date: 08/09/2023

(Vrushali K. Patil)
2nd Jt. Judicial Magistrate, First Class,
Khadki(Cont.) Pune.