

ORDER BELOW EXH. 1 IN S.C.C.No. 2452/2022
(State of Maharashtra V/s Sunil Shivaji Shinde)

Accused is alleged to have committed an offence punishable under Section 65(E) of Bombay prohibition Act. Matter is pending for long time. It also appears that raid was conducted on 06/05/2022 and seized muddemal was seized from the accused on that day. But sample of the seized muddemal was sent for chemical analysis on 19/05/2022. It shows that there is delay in forwarding sample for analysis to the FSL Lab. In this circumstance accused can not be held guilty for alleged offence. Hence, it is a fit case to invoke powers under Section 258 of the Code of Criminal Procedure. Therefore, I pass the following order.

ORDER

1. The proceedings of the case is stopped vide Section 258 of the Code of Criminal Procedure, 1973.
2. The accused is discharged from an offence punishable under 65(E) of Bombay Prohibition Act, subject to Section 300 (5) of the Code of Criminal Procedure. .
3. The seized property 40 bottles be sent to the Excise Department for disposal according to law after appeal period is over.
4. The case is disposed of accordingly.
(Dictated and pronounced in open Court)

Karad.

Dated : 27.02.2024.

(M. V. Bhagwat)

Judicial Magistrate,F.C.

Karad.(Court No.5)