

ORDER BELOW EXH. 1

Matter taken on today's board because of **Special Drive**. Perused record. The investigating officer filed charge-sheet for the offence punishable under section **65(a)(e)** of The Maharashtra Prohibition Act, 1949.

2. Record shows that after filing of final report, police machinery was unable to secure presence of the accused in-spite of sufficient opportunity. The present case has become stale due to continuous absence of accused. It is pending for framing of plea of the accused. 3 years is more than sufficient time given to the police machinery to secure his presence for recording his plea.

3. The case is pending for more than three years. It appears that the prosecution has failed to secure presence of the accused till date. Thus no fruitful purpose would be served by keeping the matter pending on record. Therefore, in my opinion, the present case is a fit case where the Court should exercise its power under section 258 of the Code of Criminal Procedure and stop the proceeding and to discharge the accused of offence under section 65(e) of the Maharashtra Prohibition Act. In my view, continuing with trial will be wastage of judicial time. Hence, I pass following order.

ORDER

1. Case is stopped vide section 258 of the Code of Criminal Procedure, 1973.
2. Seized muddemal liquor be disposed off in accordance with Law, if already not disposed of.
3. Cash surety if any be forfeited and credited to the Government.

Sd/-

(Smt. Ruchi R. Bhagat)

7th J. M. F. C., Thane.

Date : 11.09.2025