

CNR No. MHPU- 2300-1012-2021

ORDER BELOW EXH.No.1

Perused record. The accused is alleged to have committed an offence under Section **65(e) of the Bombay Prohibition Act**. No improvement is noted in the case even though sufficient opportunity has been given to the prosecution. Considering the nature of offence, it is not desirable to keep the matter pending. Therefore, it is difficult to proceed with the case in a normal way. Matter is pending since **2021**. C. A. Report is not yet filed. Hence, it is a fit case to invoke powers under Section 258 of the Code of Criminal Procedure.

2. For the forgoing reasons, the proceeding of the instant case is stopped vide Section 258 of Cr.P.C. with liberty to the prosecution to revive the proceeding on the arrest or securing presence of the accused by showing justifiable grounds. Therefore, I pass the following order:

: O R D E R :

1. Proceeding is stopped vide Section 258 of the Code of Criminal Procedure.
2. Accused is discharged from the offence under Section **65(e) of the Bombay Prohibition Act** vide Section 258 of the Code of Criminal Procedure subject to Section 300 (5) of the Code of Criminal Procedure.

3. Muddemal property i.e. **liquor bottles** be sent to State Excise Department, **Pune** for disposal according to law after appeal period.
4. The original police papers be retained in “C” file for their use in the event of re-opening of the case under section 300(5) of Cr.P.C.

(Dictated and pronounced in open Court.)

(Smt.J.C.Gupta)
Judicial Magistrate First Class
(Court No.2) Khed-Rajgurunagar.

Date :-10/12/2025