

CNR NO. MHSO14-002578-2022

S.C.C. No. 1202/2022
State Vs. Sikandar Pawar

ORDER BELOW EXH.No. 01

1. The matter is taken up in Special Drive in view of letter of the Hon'ble The Secretary DLSA, Solapur bearing Outward No.9890/2024 dated 21/11/2024.
2. The offence levelled against accused is punishable u/s.65E of Bombay Prohibition Act. The matter is pending for appearance of accused. The important aspect is that the Chemical Analysis Report is not filed on record in spite of sufficient opportunity. In absence of Chemical Analysis Report, the guilt of accused cannot be proved. In such circumstances, prima facie no case is made out against the accused as prosecution failed to submit Chemical Analysis Report and thereby committed technical error, to prove guilt of accused. Thus no fruitful purpose would served by keeping the case pending. Hence, this is the fit case to stop the proceeding. I therefore, pass following order.

ORDER

1. The proceeding is stopped vide section 258 of Code of Criminal Procedure.
2. The accused is released with effect of discharge from the offence punishable u/s. 65 E of Bombay Prohibition Act.
3. Prosecution is at liberty to reopen the proceeding, if circumstances required and presence of accused will secure in future.
4. The bail bonds if any, stands cancelled and surety is discharged.
5. The seized muddemal be destroyed after appeal period is over.

sd/-

(Smt. P. V. Raut)

Judicial Magistrate F.C.,Barshi.

Date: 11/12/2024

CERTIFICATE

I affirm that the contents of this P.D.F. file Order/ Judgment are same word to word, as per the original order/Judgment.

Name of Stenographer :- G. L. Sutar (Grade III)

Court :- Smt. P. V. Raut, 2nd Jt. C.J.J.D. & J.M.F.C.,
Barshi.

Judgment signed by the
Presiding Officer on :- 11-12-2024

Judgment uploaded on :- 17-12-2024