

MHSO030128012019



ORDER BELOW EXH.1

1. Today, ' **SPECIAL DRIVE DAY** ' is fixed by this Court as per directions issued (Letter) by Hon'ble High Court, Bombay vide E-letter No.B(Gen)1001/2021/830, dated 16th July, 2021. The present case is instituted otherwise than upon complaint.
2. The accused are charge-sheeted for the offence punishable under Section 65(e) and 83 of the Bombay Prohibition Act (*for short “the Act”*). As the nature of the offence indicates and so is the registration of the case done accordingly, this is a summons case.
3. In the present case, the record shows that, various times summons was issued to the accused person.
4. However, prosecution machinery has failed to secure the presence of accused person, till date. The accused person in this case is resident of Solapur. Therefore, from the overall record as also residence of accused, there appear no immediate prospects of their arrest. In other words, it is unlikely to be secured in near future.
5. The case is filed on 07.10.2019. Almost, more than one year have elapsed. The fate of the case depends upon the C.A. report. There is no C.A. report. Without C.A. report, it is hard to believe that the seized articles are contraband articles. Therefore,

keeping the matter as it is, looking to the above stated facts and the record would be of no help. In other words, it will be an unfruitful exercise.

6. Further, in this case charge is yet to be framed. In other words, evidence of the principal witnesses is yet to be recorded. Therefore, in the interest of justice, it would be desirable to stop the present case and indeed this is a fit case to do so looking to the time that has elapsed. Keeping the matter on the same stage again and again would serve no useful purpose. Furthermore, necessary order in relation to *muddemal* property needs to be passed. Resultantly, I proceed to pass the following order :-

ORDER

1)	The proceeding is stopped under Sec.258 of Cr.P.C. and the accused are hereby discharged for the offence punishable under Section 65(e) and 83 of Bombay Prohibition Act.
2)	Seized muddemal be confiscated to State as per Section 98 of Bombay Prohibition Act after appeal period is over.

Date:- 31.07.2021

(Smt. Namrata M. Biradar)
Judicial Magistrate First Class,
(Prohibition Court), Solapur.

(Note : Due to expiry of digital signature token, digital signature is unable to be affixed at the end of order)

CERTIFICATE

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

Name of the Stenographer : A. S. Bakale

Court : 6th Jt. Civil Judge J. D. &
J.M.F. C. (Prohibition Court)
Solapur.

Judgment / Order signed by the : 31.07.2021

Presiding Officer on

Judgment / Order uploaded on : 31.07.2021