

ORDER BELOW EXH.1

1. The case is taken in Special Drive as per the directions of the Hon'ble High Court vide letter No. B(Gen)-1001/2017/1389, dated 17th September, 2017. The present case is instituted otherwise than upon complaint.

2. The accused is charge-sheeted for the offence punishable under Section 65 (f) 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 and warrants were issued to the accused.

4. However, prosecution machinery has failed to secure the presence of accused, till date. The accused in this case is resident of Sevalal Nagar Tanda, Solapur. Therefore, from the overall record as also residence of accused, there appear no immediate prospects of his arrest. In other words, it is unlikely to be secured in near future.

5. The case is filed on 26.11.2019. Almost more than one year and 3 months have elapsed. 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 case is stopped vide Sec.258 of the Code of Criminal Procedure.
2. The accused herein is hereby released.
3. The seized property, if any, be sent to Excise Department for disposal as per rules after appeal period.
4. Proceeding is hereby closed.

Date:- 20.03.2021

(Pratik V. Kapadia)
Judicial Magistrate First Class,
(Prohibition Court), Solapur.

C E R T I F I C A T E

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	: 8 th Jt. Civil Judge J. D. & J.M.F. C., Solapur.
Judgment / Order signed by the	: 20.03.2021
Presiding Officer on	
Judgment / Order uploaded on	: 20.03.2021