

MHPA060014732020 	<u>Order below Exh.1 in SCC No. 711/2020</u> State Vs. Madan & Other
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1) As per direction of Hon'ble Bombay High Court vide letter No. B(Gen)1001/2024/259 Dt. 13/02/2024, and Hon'ble District Court Parbhani O.No.JW/932/2024 dt. 15/02/2024 today is special drive in respect of disposal of cases under section 256 and 258 of Code of Criminal Procedure, 1973.

2) Perused the record of the case. It shows that the charge-sheet is filed against accused for the offence punishable under section 65(e), 81 & 83 of Maharashtra Prohibition Act on 23/10/2020. Accused are absent since long. Prosecution could not produce the accused persons. Therefore, I am of the view that prosecution failed to secure the presence of the accused persons and not willing to conduct the matter.

3) The matter is old one and pending without progress since long. Therefore, this is the fit case to stop the proceeding under Sec. 258 of the Code of Criminal Procedure. If proceeding is closed, no prejudice will be caused to the prosecution as it may take recourse under section 300(5) of the Code of Criminal Procedure in appropriate circumstances. However, to keep this matter pending without progress will be the futile exercise. Hence, I pass the following order.

ORDER

01. The proceeding is hereby stopped vide Sec. 258 of the Code of Criminal Procedure.
02. Accused 1-Madan Yashwant Kashide, 2- Sanjay Sureshrao Chavan and 3- Qeroz Gaffarkhan Shaikh are hereby discharged for the offence punishable under section 65(e), 81 & 83 of Maharashtra Prohibition Act.

03. Seized Muddemal property i.e. 288 bottles of Country Liquor Bhingari Santra be sent to State Excise Dept. after Appeal period is over.

Date: 01/03/2024.

(I. J. Thakare),
Judicial Magistrate, F.C.,
Court No.02, Hingoli.
Hingoli.