

Order below Exh.1 in SCC No.115/2020
State Vs. Dhanraj
CNR No.MHPA060002322020.

1) As per direction of Hon'ble Bombay High Court vide letter No. B(General)-1001/2021/1611 dated 26/11/2021, 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 final report is filed against accused on 23.01.2020. Plea is recorded on 23.01.2020. However, prosecution could not produce the witnesses. Therefore, I am of the view that prosecution failed to secure the presence of the witnesses and to examine them and not willing to conduct the matter.

3) The matter is old one and pending without progress since 23.01.2020. 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 they 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 Dhanraj Nayabrao Pawar is hereby discharged for the offence punishable under section 65(e) of the Maharashtra Prohibition Act.
03. Seized 48 bottles of Bhingri Santra (180 ml. Each) be sent to the Excise Department for its disposal according to law after appeal period is over.
04. N.B.W. if issued against accused be called back.
05. P.B. and S.B. are cancelled.

Date:11/03/2022.

(I.A.Y.A.Khan),
Judicial Magistrate, F.C.,
Court No.03, Hingoli.
Hingoli.