SCC No. 11972/2023
State Vs. Raju Lanjewar

ORDER BELOW EXH. 1
(Dt. 26.09.2024)

The Hon'ble High Court of Bombay E-mail Letter No. B(Gen)-1001/2024/1554, dated 22-08-2024 and Hon'ble District Court Nagpur letter O.W. No. 3786/TW-JB/2024, dated 27.08.2024 directed to undertake Special Drives on 23rd September 2024 to 27th September 2024 to dispose of summary cases. Hence, the instant matter is fixed today for appropriate order.

2) The instant case is summons case of the year 2023 in respect of offence punishable under section 65(e) of Maharashtra Prohibition Act. The accused is absent since inception. C.A. Report is not filed on record. In absence of C.A. report, there is no prospectus of the case ending in conviction. Moreover, the investigation officer has not recorded the statement of carrier as well as the independent witness. In these circumstances there is no fruitful purpose would be served keeping this matter is pending. The Hon'ble High Court of Bombay in **Mulchand Raka Vs State of Maharashtra 1996 (1) Bom. C.R. 316** held that section 258 of Cr.P.C. can be resorted to where the special or unusual circumstances exists such as non appearance of the accused before the Court for considerable time, which make it difficult or impossible for the Magistrate to proceed with the case in a normal way and in such situation without any hindrance the provision of section 258 of Cr.P.C. can be resorted to. The said ratio is aptly applicable to the instant case, as the police machinery is negligent in securing the presence of the accused. Therefore it is difficult to proceed with the case in a normal way. Hence, this is the fit case to take resort to

section 258 of Cr.P.C. Hence, I pass the following order.

ORDER

1] The proceeding is stopped vide section 258 of Cr.P.C. and the accused Raju Dayaram Lanjewar is hereby discharged.

2] Bail bonds of the accused, if any, stands cancelled/ cash security, if any, be forfeited and credited to the Government.

3] Seized liquor if any be sent to the Excise Department for its disposal according to law and other muddemal be destroyed after appeal period is over.

4] The original police paper be retained in 'C' file for their use in the event of re-opening the case under section 300 (5) of the Code of Criminal Procedure.

Dt. 26-09-2024

(Smt. Sonali M. Birhari-Jagtap)
Judicial Magistrate,First Class
(Court No. 8),Nagpur.

CERTIFICATE

I affirm that the contents of this P.D.F. file of Order are word to word as per original Order.

Name of Stenographer : C.D. Gahukar