

Order Below Exh.1 in SCC No.1 of 2018.

State Vs. Hasan Kadu

This case is pending for the offence punishable under section 65 of the Bombay Prohibition Act since long. Offence punishable under section 65 of the Bombay Prohibition Act is punishable upto five years imprisonment and fine of Rs.50,000/-. By the letter dated 22.11.2018 bearing Marathi outward No.1289 of 2018 of this Court, prosecution/police/State Excise were directed to submit chemical analysis report. Even after giving ample opportunities, prosecution failed to file chemical analysis report on record. There is no sufficient evidence on record for framing charge against accused which will result in the conviction of accused. Therefore, as per the provisions of section 239 of the Code of Criminal Procedure 1973 the accused is discharged and in view of the directions of Hon'ble District and Sessions Court, Jalgaon, vide No.Stat/8449 of 2018 dated 21.11.2018, case is legally disposed off. Proceeding is stopped as per section 258 of Criminal Procedure Code. Muddemal property be legally disposed off after appeal period is over. Parties to take note of the order.

Date:- 18.1.2019.

(D.G.Jagtap)
Judicial Magistrate First Class,
Yawal

