

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.188 OF 2015

Sachin Rajendra Mohite,
Age 25 years, Occu. Business,
R/o Beside Maroti Temple,
Agresen Chowk, Deulgaon Raja,
Taluka Deulgaon,
District Buldhana

.. Petitioner

Versus

1. The State of Maharashtra,
through Taluka Police Station,
Taluka Jalna, District Jalna
2. The Collector (Supply),
Jalna, District Jalna
3. The Tahsildar, Jalna

..Respondents

Mr M.S. Sonawane, Advocate for petitioner
Smt. M.S. Patni, A.P.P. for respondents

CORAM : N.W. SAMBRE, J.

DATE : 7th September 2015

PER COURT

Heard.

2. The provision of Section 6A of the Essential Commodities Act, 1955 (hereinafter referred to as 'the Act') was invoked against the present petitioner, for confiscation or the disposal of the goods by learned Collector, Jalna and upheld in an appeal under Section 6C of the Essential Commodities Act by the Additional Sessions Judge, Jalna as such present proceedings.

3. The submission of the learned Counsel for the petitioner is that unless the Collector satisfies himself about the goods which were seized to be governed under the Act, the order of confiscation cannot be taken recourse to. According to him, the Collector has not taken inspection in the present case. Apart from above, he has submitted that the petitioner has established before the Collector and the Court below that the seized commodities are not the commodities which belong to fair shop owner, but the said commodities were purchased by the petitioner under the licence issued under the Agricultural Products Market Committee Act.

4. The submissions made by learned Counsel for the petitioner are opposed by learned Assistant Public Prosecutor on the ground that the Courts below have given concurrent findings against the present petitioner.

5. Upon analysing the submissions of learned Counsel for the petitioner, it is required to be noted that the application preferred by the petitioner, for releasing the property in question has attained finality before this Court in view of rejection of the said prayer. Vehicle, which was used for transportation of goods seized was already directed to be released by the learned Additional Sessions Judge, Jalna.

6. Section 6A of the Act deals with the confiscation of good grains, oil seed and edible oil, wherein the Collector is empowered to inspect

or cause to inspect such commodity, which was seized under Section 3 of the Act and in case the commodity is subjected to speedy and natural decay under sub-section (2), is authorised to pass an order to be sold at the controlled price, if any fixed under any law and if the price is not fixed, by auction. From the record it appears that the inspection of the goods seized in the present case was caused and Tahsildar has confirmed about the sale by his report, which was taken into account by learned Collector while exercising the powers of auction, as the goods were subjected to speedy and natural decay.

7. The rejection of the prayer of the present petitioner for releasing the goods in his favour is also required to be considered before entertaining the requisite of questioning the order under Section 6A of the Act.

8. In my opinion, the learned Collector, so also the authority have rightly exercised the powers. No illegality or material infirmity could be noticed.

9. As such, the Writ Petition fails, stands dismissed.

(N.W. SAMBRE, J.)

vvr