

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.323 OF 2015

(Sau. Baby Baban Rathod and another vs. State of Maharashtra and another)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri M.P. Kariya, Advocate for applicants.

Shri R.S. Nayak, Additional Public Prosecutor for
respondent no.1.

CORAM : B.P. DHARMADHIKARI AND
 P.N. DESHMUKH, JJ.

DATED : JUNE 22, 2015

Heard respective Counsel for the parties.

On 9/4/2015 when Inspector of Food and
Civil Supply working under Tahsildar inspected the
tank with name of self help group written upon it, it
was found empty and about 150 litres of blue
kerosene meant for domestic use was found in
another tank placed by its side. That tank did not
carry name of Self Help Group of applicants. On
the complaint lodged by the said Inspector, first
information report has been registered against

President and Secretary of Self Help Group.

The contention of Shri Karia, learned Counsel for applicants, is that merely at the instance of Tahsildar, first information report has been registered and tank in which kerosene was found does not belong to Self Help Group of applicants. He further submits that relevant records are with Police.

Shri Nayak, learned Additional Public Prosecutor for respondents, states that as this Court has not issued any notice, he has no instructions on facts. However, according to him, Police Authorities are investigating the matter and there is no material on record to urge that investigation will not be free and fair.

The applicants, who are President and Secretary of the Self Help Group, have not pleaded that on 9/4/2015 their Self Help Group did not have any kerosene and, therefore, tank was rightly found empty. Apart from this, the Inspector had on next day, i.e. on 10/4/2015 visited office of Self Help Group for verifying records and found some anomalies. In this situation, we are not inclined to

interfere at this stage.

Keeping all rival contentions open and with liberty to applicants to raise their grievance before appropriate Forum in accordance with law at appropriate juncture, we reject the criminal application. No costs.

JUDGE

JUDGE

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