

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

CRIMINAL APPLICATION (ABA) NO.577 OF 2015

(Munna Seth @ Naushad Tajuddin & another Vs. The State of Maharashtra through P.S.O., Patan)

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

Court's or Judge's orders

Shri M. P. Kariya, Advocate for the applicants.
Shri T. A. Mirza, A.P.P. for the State.

CORAM : A. B. CHAUDHARI, J.
: 07 DECEMBER, 2015

Heard learned Counsel for the rival parties.

Learned A.P.P. for the State has invited my attention to Clause-4-A of the Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979 in respect of wheat and submitted that 200 quintals in corporation areas and 100 quintals in other areas is the stock limit which could be stored by a licensed retail dealer. According to him the applicants are not even the licensed retail dealers and were, in fact, smuggling the wheat from Maharashtra border to Telangana.

The goods were seized in September, 2015.

Learned Counsel for the applicants makes a statement that the applicants would not and do not desire to claim back the stock of wheat seized and would have no objection for forfeiture thereof. He submits that custodial interrogation of the applicants is not required.

Leaving considered the submissions and the statement made by the Counsel, I think looking to the time gap, no custodial interrogation and arrest is necessary.

In the light of the above, I make the following order.:

ORDER

- I. Criminal Application(ABA) No.577 of 2015 is partly allowed.
- II. The applicants; (1) Munna Seth @ Naushad Tajuddin, and (2) Sheikh Kasam Sheikh Ahemad are directed to appear before the Police Station Officer concerned first on 10/12/2015 and thereafter as and when called by the P.S.O. for interrogation. The Investigating Officer shall interrogate the applicants on the whatever aspects necessary for investigation of crime.
- III. In the event of arrest in Crime No. 3030/2015 registered at police station Patan, Tah. Zari, Distt. Yavatmal for the offence under Sections 3, 7 of the Maharashtra Essential Commodities Act, the applicants shall be released on bail on each of them executing a P. R. Bond in the sum of Rs.10,000/- with one solvent surety each in the like amount. The applicants undertake that they shall not commit such crime in future.
- IV. The stock of wheat seized shall be forfeited to the State of Maharashtra.