

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 354 OF 2005

1. Titan Industries Limited
A Company incorporated under the
Companies Act, 1956 having its
Registered Office at 3, SIPCOT Industrial
Complex Hosur-635126,
Tamil Nadu State,
Through Power of Attorney Holder
T. Srinivasa Murthy, Age : 50 years,
Occupation : Service, Resident of
Bangalore, State Karnataka.
2. Bhaskar P. Bhat,
Managing Director,
Titan Industries Limited
884, Chaitanya, Indira Nagar
1st Stage, Bangalore-560008.
3. Dr. Krishanadas Nair
Chandratil Mane,
2388/1, 16th 'A' Main,
Hal, 2nd Stage, Indira Nagar
Bangalore-560008,
Karnataka.

Petitioners

-VERSUS-

1. The State of Maharashtra.
2. The Controller of Weights & Measures
Department of Legal Metrology
(Weights & Measures),

3. The Deputy Controller of Weights
& Weights, Aurangabad Region,
Aurangabad.
4. The Assistant Controller of Weights
& Measures, Administrative Building
Ground Floor, Collectorate
Latur.

Respondents

Mr. P.K. Joshi, Advocate for the Petitioners.
Mr. N.T. Bhagat, APP for State.

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(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 30/06/2016

ORAL JUDGMENT :

1. The petitioner has challenged the continuance of the proceedings in Summary Criminal Case No.515 of 2005 pending in the Court of Learned Chief Judicial Magistrate, Osmanabad. It is stated that the State had made the Standard of Weights and Measures Act, 1976 and the Standards of Weights and Measures Act, 1985 applicable to the petitioner.

2. It is pointed out that this Court by its order dated 06.09.2005

had passed the following order while granting interim relief:-

“1) Heard Shri. P.K. Joshi, learned counsel for the petitioner.

2) Learned counsel has referred to a judgment of the Andhra Pradesh High Court as well as the interim order passed by this Court (Bombay Bench) in Writ Petition No.1848/2002 dated 22nd July 2002.

3) Considering all these facts, Notice.

4) Shri. D.V. Tele, learned Additional Public Prosecutor, appears for all the respondents, waives notice and seeks time to take instructions and file Reply.

5) Stand over for six weeks.

6) In the meanwhile, interim relief in terms of prayer clause (D).”

Prayer clause ‘D’ in this petition reads as under :-

“Pending the hearing and final disposal of this criminal writ petition stay the criminal proceedings bearing SCC No.515/2005 initiated against the petitioner company and its Directors pending in the Court of learned Chief Judicial Magistrate. Osmanabad.”

3. It is also pointed out that on identical facts involving the said petitioner industry, the learned Division Bench of this Court vide its

order dated 22.07.2002 in Writ Petition No.1848 of 2002, had considered the petition at admission stage and had granted interim protection in terms of prayer clause 'D' set out in the said petition. True copy of the order is placed on record at page 51 of the petition paper book.

4. Mr.Joshi, learned Advocate for the petitioner has now placed on record a copy of the judgment dated 10.07.2006 delivered by the learned Division Bench of this Court in the same matter i.e. Writ Petition No.1848 of 2002 at the Principal Seat at Mumbai, to indicate that the said petition has been allowed in the terms of prayer clauses 'A' and 'B' after concluding that the provision of the Standard of Weights and Measures Act, 1976 and the Standards of Weights and Measures Act, 1985 would not apply to the petitioner, it's outlets, showrooms and place of display or sale or storage.

5. The copy of the judgment dated 10.07.2006 placed on record by from Mr.Joshi is marked as Exhibit "X" for identification.

6. Mr.Joshi, therefore, submits that this petition will have to be allowed in terms of prayer clause 'C' and the proceedings initiated by the appropriate authority in the above referred Court i.e. SCC No.515 of 2005 will have to be quashed and set aside.

7. Learned APP on perusal of the judgment placed on record Exhibit 'X' submits that the view taken by the learned Division Bench of this Court would, therefore, be binding on this Court.

8. In the light of the above, this petition is allowed in terms of prayer clause 'C' which reads as under :-

“(C) To quash and set aside the criminal proceeding bearing S.C.C. No.515/2005 initiated against the petitioner company and its Directors pending in the Court of learned Chief Judicial Magistrate, Osmanabad.”

9. Rule is made absolute in the above terms.

(RAVINDRA V. GHUGE, J.)