

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 6791 OF 2015

SUNIL S/O LALASAHEB RAWAS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Sambhaji S. Tope.
APP for Respondent No.1: Mrs. A. V. Gondhalekar.
Advocate for Respondent No.2 : Mr. Rahul A. Tambe.

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CORAM : **A. V. NIRGUDE &
INDIRA K. JAIN, JJ.**

DATE : 03rd March, 2016.

ORAL ORDER :

. Accused No.1 in Crime No.115 of 2015 of Paithan Police Station, Paithan, District Aurangabad, filed this application seeking quashing of the complaint against him.

2 The Complainant is Agriculture Officer and Seed Inspector of Paithan Panchayat Samiti. He alleged that as per the provisions of the Maharashtra Cotton Seeds (Regulation of Supply, Distribution, Sale and Fixation of Sale Price) Act, 2009, the Government of Maharashtra fixed sale price of certain cotton seeds at the rate of Rs.930/- per bag. But the Government subsequently on 8th June, 2015, reduced the price to Rs.830/- per bag. The information about

notification reducing the rate was made available to all the licenced shop keepers of cotton seeds. Applicant is one such shop keeper. The Complainant alleged that the Applicant sold cotton seed bags to various purchasers at higher rate on 8th June, 2015. But, he admitted in his complaint itself that by the time he sold cotton seed bags at higher rate he was not aware about the notification reducing the price of cotton seed. In one case, the Applicant refunded the additional amount he had received from one of the purchasers. Thus, the Complainant himself admitted that the Applicant did not sell cotton seed bags at higher rate despite of knowledge of the notification, which reduced the price. In view of this, the complaint cannot survive against the Applicant. It might survive against other Accused to whom we are not concerned today.

3 Accordingly, the criminal application is allowed. R.C.C. No.384 of 2015, pending before the Judicial Magistrate First Class, Paithan, stands quashed only to the extent of Applicants.

[INDIRA K. JAIN, J.]

[A. V. NIRGUDE, J.]

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