

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

CRIMINAL APPLICATION (APL) NO. 144 OF 2016

(PRAVIN RAGHUVIR DONGRE & ANR...VS..AKHILESH DAMODAR RAUT & ANR.)

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : MARCH 03, 2016.

Heard Shri Shirish Gupte, Senior Advocate a/b
Ms Suodha Desai, Ms Rawela D'souza i/b Shri V.A.Patait,
advocate for the applicants and Shri T.A. Mirza, A.P.P. for the
non-applicant No.2.

The applicants have filed this application under
Section 482 of the Code of Criminal Procedure praying that
the proceedings of Special Criminal Case No.35 of 2013
pending before the Chief Judicial Magistrate, Bhandara
initiated for alleged contravention of Sections 3(1)(zz)(ix),
26(1), 26(2)(i), 27(1), 28(2)(c), punishable under Section 59
r/w 66 of the Food Safety and Standards Act, 2006 be
quashed.

The applicants have also challenged the order
passed by the learned Magistrate directing issuance of
summons and then issuance of bailable warrants against the
applicants.

The learned Senior Advocate has submitted that
M/s. Agricore Commodities Private Limited (the company of
which the applicants are Directors) has filed criminal revision
under section 397 of the Code of Criminal Procedure before

the Sessions Court challenging the order passed by the learned Magistrate on 4th September, 2014 directing issuance of summons.

In view of pendency of the revision application filed by the company of which the applicants are Directors, I am not inclined to entertain the present application. The applicants would be at liberty to approach the Sessions Court under Section 397 of the Code of Criminal Procedure, where the revision application filed by M/s. Agricore Commodities Private Limited is pending.

I am conscious that the party which approaches this Court under Section 482 of the Code of Criminal Procedure need not be relegated to the Sessions Court in every case to avail the remedy of revision, however, in the present case, as the revision application filed by the company of which the applicants are Directors, is pending before the Sessions Court and the same order is challenged before the Sessions Court, I have adopted this course.

If the revision application is filed by the applicants within one month, the Sessions Court shall endeavour to dispose the revision application within six months from the date of its filing.

The applicants are exempted from personal appearance until the matter is taken up by the Sessions Court.

If the applicants do not file revision application within one month, the order granting exemption to the applicants from personal appearance would come to an end.

The application is disposed of in the above terms.

The order passed by the learned Magistrate on 16th December, 2015 directing issuance ofailable warrants shall stand stayed for six weeks to enable the applicants to obtain appropriate orders.

JUDGE

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