

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2164 OF 2016

1. Kishor Munnalal Pardeshi
age 52 years, occ. business
r/o Guruwar Peth, Ambajogai
Dist. Beed.
2. Sayyed Moinuddin Abdul Hamid
age 32 years, occ. & r/o as above.
3. Dattatraya Jayram Adsul
age 28 years, occ. driver
r/o Morewadi, Tq. Ambajogai
Dist. Beed.

Applicants

Versus

1. State of Maharashtra
Through Police station Navapur
Tq. Navapur, Dist. Nandurbar
2. Police Inspector,
Police Station, Navapur
dist. Nandurbar
3. Supply Inspector
Navapur, Dist. Nandurbar

Respondents

Mr. Vivek Bhavthankar, advocate for applicants.
Mr. K.S. Patil, A.P.P. for all respondents.

**CORAM : R.M.BORDE &
A. M. DHAVAL, JJ.**
DATE : 21st JUNE, 2017

ORAL JUDGMENT : (PER R. M. BORDE, J.)

Rule. Rule made returnable forthwith. Heard finally with

the consent of learned counsel for the respective parties.

2. Petitioner is praying for quashment of the criminal proceeding initiated in pursuance of the registration of Crime No. 8/2016 registered on 1st April, 2016, for commission of offence under sections 3 and 6 of Essential Commodities Act.

3. It is alleged that petitioner was transporting stock of rice valued at Rs. 2,62,500/- in a truck on 1st April, 2016. It is alleged that the food grain stock is prescribed for sale at ration shop and was being transported illegally and was tried to be disposed of in the open market.

4. Learned counsel for petitioner has pointed out that petitioner is a Chairman of Radha Central Co-operative Consumer Society registered at Ambajogai and the object of the society is to transact business of sale and purchase of food grains. Petitioner has also been issued licence for purchase of food grains by the Agricultural Produce Market Committee, Ambajogai. It is the contention of petitioner that the society has purchased 200 quintal rice at the rate of Rs. 1,500/- valued at Rs. 3,00,000/- on 16th January, 2016, from one Ram Traders, Siruguppa, Karnataka. It is pointed out that value of the food grain has been transferred by RTGS to Ram Traders on 6th February, 2016. It is further informed that the stock of rice was sold in favour of one Raj Agro Industries, Navasari, Gujrat on 30th March, 2016 and, the same was being transported for delivery to the purchaser. The vehicle was intercepted on 1st April, 2016, by the police authorities and the crime, as referred to above, has been registered.

5. Learned APP for the State contends that the report of the District Health Laboratory, Nashik reveals that the sample of rice has been confirmed as per F.S. & S. Act, 2006 and regulations framed therein.

6. Copy of the communication transmitted by Food Corporation of India on 23rd December, 2016, has been annexed. The Food Corporation of India has reported that there is no system for identification of stock of ration. There is absolutely no material to conclude that the stock of the food grain infact is meant for distribution under the public distribution system and, has been taken out from any of the godowns stocking the food grain for the purpose of distribution under public distribution system.

7. Petitioner has tendered plausible explanation and demonstrated his ownership over the stock. There is absolutely no material collected by the investigation officer to indicate that the stock of food grain that was being transported infact is meant for distribution under public distribution system.

8. In view of the reasons recorded above, the criminal prosecution initiated against petitioner deserves to be quashed and, the same is accordingly quashed. Rule made absolute accordingly.

(A.M. DHAVAL)
JUDGE

(R.M.BORDE)
JUDGE