

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

CRIMINAL APPLICATION (ABA) NO.655 OF 2017

Narendra s/o Rameshwarrao Khandelwal, Ram-kunj, Near State Bank of India, Warud, Amravati
-vs-

State of Maharashtra, Thr. PSO, PS Warud, Dist. Amravati

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Anil Mardikar, Senior Advocate with Shri S. V.
Sirpurkar, Advocate for applicant.
Shri S. M. Ghodeswar, Addl. PP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.
DATE : November 29, 2017

Heard.

The applicant apprehends his arrest in connection with Crime No.648/2017 registered with Police Station Warud, Dist. Amravati for the offence punishable under Section 3 and 7 of the Essential Commodities Act, 1955.

As per the First Information Report dated 24/08/2017 on the basis of information received about 1750 kg of wheat valued at Rs.35,000/- was found illegally stored in the godown of the applicant. Hence offence in question came to be registered.

It is submitted on behalf of the applicant that the applicant has been unnecessarily implicated in the aforesaid crime. The applicant being a Commission Agent had stored the grains in his godown which is an open shed. Pursuant to the investigation and the fact that on the said seized items

there was a seal mark of the Madhya Pradesh Government, the Investigating Officer had enquired with the District Supply Officer at Narsingpur, Madhya Pradesh. The communication in that regard indicates that there was no shortfall of wheat from said area. It is pointed out that pursuant to the interim order passed, the applicant had appeared before the Investigating Officer and co-operated with the investigation. His custodial interrogation is not warranted.

The application is opposed by the learned Additional Public Prosecutor by relying upon the reply. It is submitted that for the purposes of further investigation as to the source of said food grains, the custody of the applicant is necessary. An alleged employee of the applicant has sought to obtain the food grains on Supratnama but that application is rejected. Though the District Supply Officer from Narsingpur has issued a communication dated 03/10/2017, further investigation in that regard is in progress. Hence application is liable to be rejected.

Perused the First Information Report as well as the reply filed. During the course of investigation it has revealed that the wheat bags were shown to be having seal marks of the Authorities from Madhya Pradesh and enquiry was made with the District Supply Officer there. His reply dated 03/10/2017 indicates absence of any shortfall. The offence in question is reported on 23/08/2017. The stock in question is already seized. Considering the nature of investigation conducted till date, I do not find any ground made out to grant custodial

interrogation of the applicant. He can be directed to attend the Investigation Officer in that regard.

In view of aforesaid in the event of applicant's arrest in connection with Crime No.648/2017 registered with Police Station Warud, Dist. Amravati for the offence punishable under Section 3 and 7 of the Essential Commodities Act, 1955 he shall be released on bail on furnishing PR Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount.

The applicant shall attend the concerned police station as and when directed by the Investigating Officer. No steps be taken to influence the prosecution witnesses.

It is open for the prosecution to apply if any fresh material is found against the applicant herein.

The observations made in this order are only for deciding this application which is allowed and disposed of.

JUDGE