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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 499 OF 2019**

Nashik Municipal Corporation Applicant.

V/s

Shri Dilip Kedarnath Kothawade and Anr. Respondents.

Mr. Murlidhar L. Patil for the Applicant.
Mr. A.A. Palkar, APP for the State.

CORAM: NITIN W. SAMBRE, J.

DATE: DECEMBER 2, 2019

P.C.:-

- 1] This is an application for leave to file appeal.
- 2] Perused the judgment of acquittal.
- 3] The Chief Judicial Magistrate has acquitted the Respondent/Accused of an offence punishable under the provisions of Prevention of Food Adulteration Act and Rules framed thereunder. The complainant has failed to establish that the stock was seized from the custody of accused, as no witness in support thereof was

examined. Once it is established that witness in support of the case of seizure of stock was not examined, complainant has failed to establish that the accused was holding the stock of commodity for which there has to be license under the Rules.

4] In the aforesaid background, the fact that the Accused was not holding license, though he was holding the stock was also not proved. No case is therefore made out for grant of leave. Hence, leave is refused.

(NITIN W. SAMBRE, J.)