

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

CRIMINAL APPLICATION (ABA) NO.651 OF 2020

(Suresh @ Surendra s/o Narayanrao Raut Vs. The State of Maharashtra thr. PSO PS
Kurha, Tah. Chandur Railway, Dist. Amravati)

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

Court's or Judge's orders.

Mr. P.R. Agrawal, Advocate for Applicant.
Mr. S.S. Doifode, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 22nd DECEMBER, 2020.

The applicant, held a fair price shop licence, which is since then cancelled.

2. Crime 52/2020 is registered with Police Station Kurha, Tahsil Chandur Railway, District Amravati for offence punishable under section 3 and 7 of the Essential Commodities Act and section 188 of the Indian Penal Code pursuant to an inspection conducted by Ms. Smita Shivajirao Dalvi, Supply Inspecting Officer, Chandur Railway. In the said inspection, it came to light that the entire stock of food grains supplied for the relevant period was converted/misappropriated/sold to ineligible persons for profiteering. As a fact, there was nothing in the shop when the inspection was done. Most of the stock is shown to have been distributed by the applicant purportedly as nominee. Statements of more than thirty beneficiaries/cardholders attached to the shop are recorded

and they in unison deny having received the food grains. A joint complaint of one hundred five villagers is on record which makes a similar grievance. In essence, there is more than ample material on record to *prima facie* link the applicant with the crime.

3. The first submission of the learned counsel is that the government resolution envisages a Vigilance Committee in every village which is tasked with entertaining and dealing with the grievances of villagers as regards the fair price distribution system and that this modality not having taken recourse to, the prosecution could not have been instituted. The submission is noted only for rejection. The fact that there is Vigilance Committee, established under a government resolution or otherwise, cannot take away the right of the police to investigate a cognizable offence. The constitution of the Vigilance Committee is an administrative matter and there is no statutory bar, and indeed there can be none, restraining the police to take cognizance if a cognizable offence is made out, whether the Vigilance Committee is approached or otherwise.

4. The next submission is that the complaint is politically motivated. The material in the charge-sheet belies the said submission. The number of cardholders/beneficiaries who are the victims, and who are the complainants, would exclude the possibility of false implication at the behest of some political rival. In any event, whatever be the motive, as a fact the complaint is

prima facie found to be correct.

5. I am satisfied that custodial interrogation is necessary. The Investigating Officer would have to unearth the precise *modus operandi* and the manner in which the food grains were disposed of.

6. The application is dismissed.

JUDGE

NSN