

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 CRIMINAL APPLICATION NO.1343 OF 2021

DIGAMBAR BABURAO PHULE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

.....
Advocate for Applicant : Mr. M.D. Godhamgaonkar
APP for Respondent-State: Mr. M.M. Nerlikar
.....

**CORAM : V. K. JADHAV AND
S. G. DIGE, JJ.
DATED : 2nd JULY, 2021**

PER COURT:-

1. Heard.
2. We have gone through the allegations made in the complaint. Learned counsel has repeatedly pointed out that his father was suffering from Corona virus and as such, he had purchased Remediesivir injections for the treatment of his father. Learned counsel submits that the applicant has been falsely implicated in connection with the present crime. The applicant had no intention to sale the Remediesivir injuncions in black market.
3. We have carefully gone through the allegations made in the complaint. It appears that respondent-informant is Drug Inspector. He has received the secret information that some persons are indulged in selling the Remediesivir injuncions on higher price in black market. Thus, they have arranged a trap and given intimation to the punter and

accordingly on the date of incident, the present applicant caught red handed with two Remediesvir injections and he allegedly demanded the price of Rs.20,000/- per injection from the punter. Learned counsel has repeatedly pointed out that he had no intention of selling the Remediesvir injections on higher price in the black market.

4. It is well settled that the power of quashing of criminal proceeding should be exercised very sparingly and with circumspection and that too in a rarest of rare case; that the court will not be justified in embarking upon the inquiry as to the reliability or genuineness or otherwise of the allegations made in the F.I.R. or the complaint. We cannot consider the defence of the applicant at this stage and it is always open for the applicant-accused to raise his defence during the course of trial.

5. We thus find no substance in this criminal application. Criminal application is hereby rejected.

(S. G. DIGE, J.)

(V. K. JADHAV, J.)

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