

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.2263 OF 2021

RAMESH KANHAIYALAL RATHI

..APPLICANT

VERSUS

THE STATE OF MAHARASHTRA
AND ANOTHER

..RESPONDENTS

...

Advocate for Applicant : Mr. Jaju Nikhil Santosh

APP for Respondents: Ms. R. P. Gour

...

CORAM : N.R. BORKAR, J.

DATE : 13.10.2021

PER COURT :-

Learned Additional Public Prosecutor for the respondent-State submits that, there is remedy of appeal available under Section 6(C) of the Essential Commodities Act, 1955 against the order impugned.

2. As there is remedy of appeal available against the order impugned, I am not inclined to entertain the present application under Section 482 of the Code of Criminal Procedure. The applicant is at liberty to file appeal under Section 6(C) of the Essential Commodities Act, 1955 before the concerned Sessions Court, in view of the Judgment of this Court in the case of ***Satish Bansilal Somani Versus The***

State of Maharashtra and another (Criminal Application No. 12000 of 2017 dated 29th November 2017).

3. The present application is thus dismissed with liberty to file appeal. If such appeal is filed, the concerned Sessions Court shall decide the said appeal as early as possible and in any case within three months from the date of filing of appeal.

4. Needless to mention that if an application for condonation of delay is filed, the Sessions Court while deciding the said application shall exclude the period for which the present application was pending before this Court.

(N. R. BORKAR)
JUDGE

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