

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

CRIMINAL WRIT PETITION NO.120 OF 2018

Krushnakumar s/o Bansgopal Agrawal @ Bandu Agrawal
Vs.

State of Maharashtra through Police Station Officer, Police Station, Chandur Bazar, Tq.
Chandur Bazar, Dist. Amravati and others.

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

Court's or Judge's orders

Shri G. G. Bade, counsel for the petitioner
Ms. H. P. Mehta, APP for the respondents / State.

CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.

DATED : 04/01/2021

Heard Shri Bade, learned counsel for the
petitioner and Ms. Mehta, learned APP for the State.

During pendency of this petition, there has
been a development which has a fundamental bearing
upon the issue involved in this case. This development,
as pointed out by the learned APP, is in the nature of the
view taken by the Full Bench of this Court in the case of
Digambar s/o Rodji Wankhede Vs. State of Maharashtra
and another, 2019(5) Mh.L.J. This view, as said earlier,
has a seminal effect on this petition.

In this petition, the primary ground of
challenge to the FIR registered under Section 7 read with

Section 3 of the Essential Commodities Act against the petitioner, is that in the FIR order issued under Section 3 of the Essential Commodities Act, has not been specifically mentioned, which has been alleged to be violated by the petitioner.

In the case of *Digambar s/o Rodji Wankhede* (supra), the Full Bench as held that as FIR is not expected to be a encyclopedia and that as long as the information given to the Police raises a suspicion of commission of a cognizable offence, an FIR can certainly be registered and that State would be entitled to demonstrate before a Court that an order under Section 3 of the Essential Commodities Act indeed exists and that there is contravention of clauses thereof, leading to commission of an offence which is punishable under Section 7 of the Essential Commodities Act.

In view of the law so laid down by the Full Bench, nothing survives in this petition and the petition is dismissed as not maintainable.

JUDGE

JUDGE