

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

CRIMINAL WRIT PETITION NO. 175/2022

Aatikur Rehman Mohommad Shafikur Rehman..Versus...State of Maharashtra

AND

CRIMINAL WRIT PETITION NO. 193/2022

Aatikur Rehman Mohommad Shafikur Rehman..Versus...State of Maharashtra

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

Court's or Judge's orders

Mr. Abdul Subhan, Advocate for petitioner
Mr. A.R.Chutke, APP for Repsondent/State

CORAM : AVINASH G. GHAROTE, J.

DATE : 05/05/2022

Heard Mr. Subhan, learned counsel for the petitioner.

The petitions challenge the order dated 9.4.2021 whereby the application for discharge filed by the petitioner under Section 227 of the Cr.PC on the ground that the order of Section 3 of Essential Commodities Act has not been placed on record, has been dismissed.

A perusal of the impugned order would indicate that the learned Sessions Court has for the purpose of dismissing the application relied upon the decision of the Full Bench of this Court in **Digamber Rodji Wankhede vrs. State of Maharashtra, 2019(4) Mh.L.J. 789**, which holds that mere non-mention of a particular provision of an order or order issued under Section 3 of the Essential Commodities Act, 1955

by itself is not sufficient to quash and set aside the FIR, considering which, I do not find any merits in the petitions; the petitions are accordingly dismissed.

Needless to mention that in case any other ground is available, the petitioner is at liberty to avail any such ground as permissible in law.

JUDGE

Rvjalit