

Uday S. Jagtap

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO. 81 OF 2015

Shrikant Dhondiram Katke .. Applicant
Vs.
The State of Maharashtra & Ors. .. Respondents

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Mr. P.A. Pol a/w Ranjit S. Hatkar i/b Pol Legal Juris for the applicant
Ms. G.P. Mulekar, APP for the respondent – State

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 7th DECEMBER, 2023

P.C.

1. Heard Mr. Pol, learned Counsel for the applicant and Mrs. Mulekar, learned APP for the respondent - State.
2. The applicant has impugned an order dated 12th December 2014 passed by the Special Judge in an appeal under Section 6(C) of the Essential Commodities Act, 1955 which was preferred by the applicant feeling aggrieved with an order dated 25th April, 2013 passed by the respondent no.2.
3. Briefly stated, the facts are that the applicant is a transporter and owner of the tanker bearing Registration No. MH-04-EL-8733

and was engaged in the business of transportation by name and style as M/s. Om Transport having its office at Thane.

4. The applicant's tanker was seized by the respondent no.2 in view of the provisions of Section 2(ia) of the Essential Commodities Act, 1955 and the same was confiscated by an order dated 25th April, 2013. It was directed to recover an amount to the extent of 50% of the amount equivalent to 222.29 kg LPG gas from the applicant.

5. An appeal preferred as above came to be dismissed, however, the learned Special Judge in the impugned order dated 12th December 2014 did not assign reasons for dismissing the appeal against the order passed by the Authority on 25th April, 2013. The reasons assigned by the Court below are cryptic and, therefore, it is essential to remand the matter to the Special Judge to give an opportunity of being heard to the applicant as well as the respondents and thereafter to decide the appeal with reasons in accordance with law within a period of 8 weeks from the date of receipt of the order.

6. The Revision Application stands dismissed in the aforesaid terms. No order as to costs.

7. The parties shall appear before the Court below on 8th January, 2024.

(PRITHVIRAJ K. CHAVAN, J.)