



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

13 CRIMINAL APPLICATION NO.2377 OF 2023

Sachin Nagraj Mhaske,
Age 33 yrs., Occ. Business,
R/o Pushpnagari,
CIDCO Mahanagar – 1,
MIDC Waluj, Aurangabad.

... Applicant

... **Versus** ...

- 1 The State of Maharashtra
Through Police Inspector,
Police Station, Daulatabad,
Aurangabad.
- 2 Sulakshana w/o Trimbakrao Jadhwar,
Age 42 yrs., Occ. Food Safety Officer,
R/o Food and Drugs Administration,
Kanchanwadi, Paithan Road,
Aurangabad.

... Respondents

...

Mr. K.N. Shaikh, Advocate for applicant

Mr. A.R. Kale, APP for respondent Nos.1 and 2

...

CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.

DATE : 26th JUNE, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 initially for quashing First Information Report vide Crime No.157/2022 dated 09.10.2022 registered with Police Station, Daulatabad, Aurangabad, for the offence punishable under Sections 328, 188, 272, 273 read with Section 34 of the Indian Penal Code, 1860 and under Section 59 of the Food Safety and Standards Act, 2006 and later on by way of amendment for quashing the proceedings in Regular Criminal Case No.2404/2023 pending before learned Judicial Magistrate First Class, Aurangabad.

2 Heard learned Advocate Mr. K.N. Shaikh for applicant and learned APP Mr. A.R. Kale for respondent Nos.1 and 2. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 Perusal of First Information Report and charge sheet would show that First Information Report has been lodged by Mrs. Sulakshana Trimbakrao Jadhavar, Food Safety Officer, Food and Drugs Administration, Kanchanwadi, Aurangabad. She states that Food Safety Officer, Aurangabad Mr. Sanjay Chatte had given her a secret information on 08.10.2022 that one

vehicle would be transporting Gutkha (the banned food article) near Karodi Toll Naka on Dhule-Solapur Highway. Accordingly, she went there and saw Food Safety Officer, Aurangabad Mr. Sanjay Chatte, Food Safety Officer, Amravati Mr. Sandip Eknath Suryawanshi and one container bearing registration No.MH 14/GD-5550 standing there. When asked to Mr. Sandip Suryawanshi, he told that he had received this secret information, therefore, he and Mr. Sanjay Chatte came to Karodi Toll Naka and stopped there by arranging trap. At 19.20 hours said container was coming from Aurangabad, they intercepted it. They sought police help by dialing 112. When they asked container driver, he told his name as Saddam and container contains Gutkha belonging to Bilal @ Raghav Reddy. Thereafter container driver ran away in dark. Thereafter Daulatabad police squad had come there, they took container to Daulatabad Police Station, also took search of the container with the help of two panchas, wherein scented tobacco bags having small sachets were found. Thereafter, present First Information Report has been lodged.

4 Here, it is to be noted that there is no mention of name of applicant as accused in First Information Report. It appears that name of present applicant has been arrayed as accused in the charge sheet on the basis of statement made by co-accused. Even otherwise there is no evidentiary value to the statement of co-accused under Section 25 of the

Indian Evidence Act. There is no *prima facie* evidence on record to connect present applicant with the crime. Under such circumstance, with such material collected in investigation it would be unjust to ask the applicant to face the trial. Therefore, case is made out for exercise of inherent powers of this Court under Section 482 of the Code of Criminal Procedure. Hence, following order.

ORDER

- i) Criminal Application stands allowed.
- ii) The proceedings in Regular Criminal Case No.2404/2023 pending before learned Judicial Magistrate First Class, Aurangabad arising out of First Information Report vide Crime No.157/2022 dated 09.10.2022 registered with Police Station, Daulatabad, Aurangabad, for the offence punishable under Sections 328, 188, 272, 273 read with Section 34 of the Indian Penal Code, 1860 and under Section 59 of the Food Safety and Standards Act, 2006, stands quashed and set aside as against applicant **Sachin Nagraj Mhaske.**

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)