



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.287 OF 2025

(Alimoddin s/o Moinoddin and ors. Vs. State of Maharashtra)

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

Court's or Judge's Order

Mr. S.V. Sirpurkar, Advocate for the applicants.
Ms S.S. Dhote, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- AUGUST 25, 2025.

Apprehending the arrest at the hands of police in connection with Crime No.71/2025 registered with Police Station Shirkhed, District Amravati for the offence punishable under Sections 318(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicants approached this court for grant of pre-arrest bail.

2. Learned Counsel for the applicants submitted that the criminal law was set in motion on the basis of information supplied by the informant by name Shubham Sable who is an agriculturist, residing in the village Nimbhi. The applicants are the merchants of cotton and they were purchasing the cotton from the farmers. The informant decided to sell his cotton to the accused persons. During weighing of the cotton, the informant noticed that the accused persons have manipulated the electronic weighing machine and thereby they are cheated the informant as well as other farmers. Therefore, the

informant sold the cotton to Jawahar Sahakari Kapus Prakriya Sansthan Ltd. Lehagaon. In the result, the informant realized that the total weight of the cotton was 1280 k.g. while the accused have shown weight as 684 k.g. only. Accordingly, the present crime came to be registered against the present applicants. There are in all total 10 accused persons in the present crime including the applicants. He submitted that as far as the cooperation in the investigation part is concerned, the applicants have already approached to the police station with the mother board but it was not accepted by the investigating agency. He has filed an affidavit. In support of his contention he submitted that as far as the custodial interrogation of the applicant is concerned which is not at all required as nothing is to be recovered from him. He is ready to cooperate but it was the Investigating Officer who is not accepting the said mother board and due to which the interim protection granted to the present applicants deserve to be confirmed.

3. Learned APP strongly opposed the application and submitted that the applicants had produced the mother board of the Samsung mobile and not of the machine. She has placed on record the various general diary entries by which the entries are taken that though on various occasions the present applicants were informed to produce the said mother board of the electronic weighing machine but they have not produced the same,

and therefore, the investigation was not carried forward. The station diary entry dated 13/06/2024 specifically shows that on asking to place before the Investigating Officer the mother board of the weighing machine but he has produced the mother board of the Samsung mobile phone and the remote which is not in a working condition. Thus, the applicants are not at all cooperated with the investigating agency, and therefore, she prayed for rejection of the application.

4. I have heard learned Counsel for both the sides. On perusal of the investigation papers especially the general diary entries which are recorded by the Investigating Officer specifically shows that after sufficient opportunity the applicants have not cooperated with the investigating agency and has not produced the mother board as well as they had produced the remote which is not in a working condition. Considering the statements of the witnesses who are the agriculturist that they were duped by the present applicants by weighing the cotton which was sold by them by manipulating the electronic weighing machine. The statements of various witnesses are recorded during the investigation which shows the *prima facie* case against the present applicants. The electronic weighing machine panchnama also substantiates the said contention. The letter issued by the C-Tech electronic company issued to the Investigating Officer specifically shows that the mother board which

was found in the machine is not of their company and the machine was intentionally manipulated by the person in whose possession it was. Thus, considering the said letter also the *prima facie* case is made out against the present applicants. Though the offence is punishable under Sections 318(4) and 3(5) of the BNS for which 7 years punishment is provided but considering that despite the notices are given by the Investigating Officer there is completely non-cooperation on the part of the present applicants. In view of that, the application deserves to be rejected.

5. Hence, the application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)

**Divya*