IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

950 CRIMINAL APPLICATION NO. 4320 OF 2024

Sanjay Gurnomal Matta ....Applicant

VERSUS

The State of Maharashtra .....Respondent

Mr. S. S. Manale, Advocate for Applicant
Mr. A. R. Kale, APP for the State.

CORAM : R. M. JOSHI, J.
DATE : 3rd NOVEMBER, 2026.

PER COURT :

1. Applicant seeks quashment of First Information Report No. 0357/2023 registered with Songir Police Station, Dhule for the offences punishable under Sections 188, 272, 273, 328 r/w 34 of Indian Penal Code and Sections 3, 26(2)(iv), 27(3)(d), 27(3)(e), 30(2)(a), 59(i) of Food Safety and Standards Act and consequent proceeding bearing RCC No. 519/2025 pending on the file of Chief Judicial Magistrate, Dhule.

2. First Information Report indicates that on the basis of information received by the concerned Police Station, vehicle i.e. Container bearing Registration No. MH 04 KU 5448 was intercepted. Police found contraband Gutakha and Pan Masala being carried in

the said vehicle. The driver of the said vehicle was arrested. Entire contraband was seized. On conclusion of investigation, charge-sheet came to be filed. Applicant is accused No. 2.

3. Learned Counsel for the Applicant drew attention of the Court to the charge-sheet which, according to him, does not indicate any evidence against the Applicant in order to show his involvement in the crime. According to him, the only statement which names the present Applicant is the statement of co-accused and apart from the fact that said statement made to the police is not contemplated as evidence, even then the statement is accepted to be correct and offence came to be registered against the present Applicant.

4. Learned APP opposed grant of any relief to the Applicant by referring to the nature of crime so also there being evidence against the Applicant to connect him with the crime in question.

5. Needless to say that the statement made to the police by the co-accused while in the custody of police is not admissible evidence and even cannot be proved during the course of trial. Perusal of the charge-sheet does not indicate there being any other evidence

connecting the Applicant with the crime except for the statement of the co-accused. This being not evidence in the eyes of law, practically there is no evidence against the Applicant. Even if that statement is accepted to be correct, still it does not show involvement of the Applicant as it is hearsay in nature. Hence, there is no substance for continuation of the proceeding against the Applicant.

6. In view of above discussion, Applicant is allowed in terms of prayer clauses 'b' and "B-1".

(R. M. JOSHI, J.)

dyb