

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.3355 OF 2025**



Rajkishore Kantaprasad Modi,
Age 62 years, Occu. Agriculture,
R/o. Guruwar Peth, Ambajogai,
Tal. Ambajogai, Dist : Beed.

..Applicant

VERSUS

1. The State of Maharashtra
Through Police Inspector,
Ambajogai Rural Police Station,
Tal. Ambajogai, Dist : Beed.
2. Raju Dattu Birle,
Age 57 years, Occu : Auditor Sahakari Sanstha Sakhar, Beed,
R/o. Kashid Niwas, Adarsh Nagar, D.P Road,
Beed, Tal. And Dist. Beed - 431122. ..Respondents

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Ms. Tanvi V. Jadhav, Advocate for Applicant
Mr. K.B. Jadhavar, APP for Respondent/State.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : FEBRUARY 06, 2026

FINAL ORDER :-

1. The applicant seeks quashment of First Informant Report No.20 of 2011, dated 07.07.2011, registered with Ambajogai Rural Police Station, Taluka and District Beed for offences punishable under Section 7 and 10 of Essential Commodities Act, 1955 read with Section 3(3) of Sugarcane Control Order, 1966.
2. The investigation was set in motion on the basis of information given by Mr. Raju Dattu Birle, Special Auditor, Class-I, Co-operative Society, Beed. It is alleged that during crushing season of 2002-2003, Ambajogai Co-operative Sugar Factory crushed 311940

metric ton of sugarcane. The Central Government had fixed reserved price of Rs.973.80 per metric ton for sugarcane suppliers. However, Sugar Factory in violation of Section 3(3) of Sugarcane Control Order, 1966, paid Rs.610/- only per metric ton. As such, the President, Directors and Office Bearers of Sugar Factory are alleged to be guilty of offences punishable under Section 7 and 10 of Essential Commodities Act, 1955.

3. The aforesaid information culminated into F.I.R. No.20 of 2011 against accused persons. The applicant was Director of Sugar Factory for relevant period. He is shown as one of accused. He had approached Sessions Court for grant of anticipatory bail, which was granted. Since then, there is no progress in matter.

4. Since applicant wanted to renew his passport and needed NOC to travel abroad, he moved Criminal M.A. No.103 of 2025 before learned Judicial Magistrate First Class at Ambajogai, who rejected application vide order dated 08.04.2025 observing that till the date, charge sheet is not received, hence, application is premature. Thereafter applicant obtained information from police station but could not get particulars of charge sheet submitted in Court. The concerned Police Station Officer has simply informed that on 15.01.2014, Charge Sheet No.06 of 2014 has been filed in Court of learned Judicial Magistrate First Class. However, copy of such charge sheet is not filed either in Court or with police station.

5. On 23.09.2025, when this application was heard by Division Bench, in light of submissions advanced, the Principal District Judge, Beed was directed to cause inquiry into the matter and report this Court as to factual position with regard to filing of charge sheet in pursuance to F.I.R. In response to direction of this Court, the Principal District Judge submitted his report dated 31.10.2025, which states as under:

“Crime No. 20/2011 was registered with Police Station, Ambajogai Rural, Dist. Beed on 07/07/2011. From perusal of report, Shri. Rajkishor Kantaprasad Modi was named as an accused in this crime along-with 22 other persons. Thereafter, Rajkishor Modi filed Anticipatory Bail Application before the Additional Sessions Judge, at Ambajogai bearing No.277/2011 which was allowed by the Court on 24/08/2011.

2. Thereafter, undersigned had called report of Assistant Superintendent, Civil Court, Junior Division, Ambajogai. As per report, he had gone through the entire record and had physically verified it and as per his report, till date i.e. 30/10/2025 charge-sheet was not filed in Ambajogai Court, in Crime No. 20/2011 registered with Police Station Ambajogai Rural, Dist. Beed.

Hence, this report submitted with respect. “

6. Ms. Tanvi Jadhav, learned advocate appearing for applicant would submit that F.I.R. has been lodged on 07.07.2011 against Chairman and Directors of Sugar Factory, alleging breach of directions issued under Sugarcane Control Order, 1966 and consequential offence under Section 7 and 10 of Essential

Commodities Act. However till this date, charge sheet is not filed. She would submit that applicant's right to speedy trial guaranteed under Article 21 of Constitution of India has been violated. On this ground alone, F.I.R. or charge sheet, if any, is liable to be quashed and set aside being abuse of process of law. Even otherwise, allegations in F.I.R. would not constitute an offence against applicant only because he was elected Director of Sugar Factory, unless he is shown to have control over day-to-day business. The petitioner had no administrative control over affairs of Karkhana. She would further point out that if offence is committed by sugar factory, in absence of sugar factory being accused, the Directors cannot be prosecuted. She would further point out that neither copy of charge sheet is available in record of Court nor it is available with police station. Therefore, there cannot be further progress in prosecution. She would rely upon observations of *Punjab and Haryana High Court in case of Parminder Singh @ Dimpy Vs. State of Punjab and Another in CRM-M-46017-2019 (O&M) decided on 17.11.2023* and observations of Delhi High Court in case of *Dr. Sarbesh Bhattacharjee Vs. State NCT of Delhi in W.P. (CRL) 781/2021 with connected matters decided on 14.10.2022*, to contend that inordinate delay of more than 10 years in filing charge sheet being contrary to constitutional right recognized under Section 21 of Constitution of India, needs to be quashed and set aside.

7. Mr. K.B. Jadhavar, learned APP would submit that copy of charge sheet is not available on record of police station or on record of Court. However, concerned investigating officer who retired from service has provided a xerox copy of charge sheet, wherein stamp of Court is appearing. He would therefore submit that *prima facie*, it can be presumed that charge sheet was filed.

8. Having considered submissions advanced by learned advocates appearing for respective parties and on perusal of material tendered into service before this Court, it can be gathered that Crime No.20 of 2011 was registered with Police Station Ambajogai Rural for offences punishable under Section 7 and 10 of Essential Commodities Act read with Section 3(3) of Sugarcane Control Order, 1966 against Directors of Ambajogai Co-operative Sugar Factory Limited. The applicant was one of Director of Sugar Factory at the relevant period. The allegations against Karkhana is non-adherence to directions issued by Commissioner of Sugar as to FRP declared for sugarcane suppliers. As on date of registration of offence, charge sheet has not been filed in Court of Judicial Magistrate First Class at Ambajogai. The report of learned Principal District Judge dated 31.10.2025 clearly shows that no charge sheet has been received in Crime No.20 of 2011.

9. Although Mr. Jadhavar, learned APP endeavours to contend that charge sheet was tendered in Court, corresponding

record is neither available with police station nor with Court. In this background, contention of learned APP that charge sheet was actually filed cannot be accepted.

10. Article 21 of Constitution of India recognizes right to speedy investigation in trial. In case of ***Vakil Prasad Singh Vs. State of Bihar*** reported in ***(2009) 3 SCC 355***, Hon'ble Supreme Court observed as under :

"24. It is, therefore, well settled that the right to speedy trial in all criminal persecutions (sic prosecutions) is an inalienable right under Article 21 of the Constitution. This right is applicable not only to the actual proceedings in court but also includes within its sweep the preceding police investigations as well. The right to speedy trial extends equally to all criminal prosecutions and is not confined to any particular category of cases. In every case, where the right to speedy trial is alleged to have been infringed, the court has to perform the balancing act upon taking into consideration all the attendant circumstances, enumerated above, and determine in each case whether the right to speedy trial has been denied in a given case."

11. Careful reading of aforesaid observations would show that right of speedy trial is not restricted only to actual proceedings in Court but also includes within its sweep the proceeding of police investigations. In present case, it can be observed that applicant is arraigned as an accused being Director of Sugar Factory and not for any offence committed in personal capacity. The copy of charge sheet relied upon by respondent depicts that offences alleged are committed

during crushing season 2002-2003 regarding non-payment of sugarcane bills as per FRP. There is nothing to show that charge sheet was filed in Court, although it is shown to have sent on 15.01.2014. Therefore, the prosecution of applicant for so-called offences committed by Sugar Factory during period from 2002-2003 cannot be permitted to continue for more than 24 years. Apparently, it would be in conflict of constitutional right of applicant guaranteed under Article 21 of Constitution.

12. Apart from aforesaid aspect, assuming that applicant was Director of Sugar Factory, prosecution cannot be permitted when Sugar Factory is not made accused. Further contents of F.I.R. nowhere depicts that applicant was in-charge of day-to-day business or he supported any resolution which is in conflict with orders issued by Commissioner of Sugar regarding FRP. In absence of any such material, this Court finds that no offence can be made out against applicant.

13. The reference can be made to Section 10 of Essential Commodities Act which deals with offence by companies which states that where offence is committed by company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and

punished accordingly. The F.I.R. in present case is silent on role of applicant in conduct of business of Karkhana. The applicant is not shown to be party to resolution passed in contravention of directives issued by competent authority to attract offences under Essential Commodities Act.

14. In view of aforesaid discussion, this Court finds that when delay in investigation is not attributable to petitioner and respondents have no justification for inordinate delay in filing charge sheet, applicant's constitutional right recognized under Article 21 of Constitution of India stands violated. It would be unfair to continue or protract proceedings any more, as no fruitful purpose would be served.

15. In that view of matter, application deserves to be allowed. Hence, it is allowed in terms of prayer clause (A).

(S.G. CHAPALGAONKAR, J.)