IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.456 OF 2016

SATISH RAMCHANDRA SANGAR
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Date: 2026.01.19 12:12:32 +0530

The State of Maharashtra ...Applicant

V/s.

M/s.Rakesh Trading ...Respondent

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Mr.Hintendra J. Dedhia:-	APP for Applicant – State.
Mr.Anus Pande h/f Mr.Mukesh Aiya:-	Advocate for Respondent.

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CORAM : S. M. MODAK, J.

DATE : 17th JANUARY 20256

P. C. :-

1. This Revision is listed after so long time.

2. It is true it was listed lastly on 8th November 2023. Considering the lapse of time, even learned APP and learned Advocate for Respondent are not aware whether the stock is returned to Respondent No.2 as directed by the Court of Additional Sessions Judge in the order dated 14th May 2015. The order came to be passed in Appeal filed by the Respondent as per the provisions of the Essential Commodities Act, 1955. In the said Appeal, there was challenge to an order dated 10th November 2014 passed by the Rationing Officer.

3. As per the said order, the Rationing Officer has given separate directions in respect of stock of palmolein oil. Certain stock which was not adulterated was directed to be deposited with the Government. There was direction to sell it and deposit the amount with the Government Treasury. The stock which was adulterated was to be used for the purpose of industrial use. However, when the Appeal was filed, the learned Additional Sessions Judge set aside the entire order and directed its release to the Respondent.

4. Learned APP has invited my attention to the reasoning given by the learned Additional Sessions Judge in the impugned order. In paragraph No.15, he has stated that *"palmolein oil was not to be recorded in the stock register."* After going through the analysis report, the Sessions Court observed *"report does not disclose whether the substandard stock is injurious to human consumption or not"*. In paragraph No.21, he observed:-

> "*There is no substantial evidence on record to support the inferences drawn by Rationing Authority that appellant has committed any breach of the provisions of Section 3,7,8 10 of Essential Commodities Act, 1955*".

On its reading, even I find that these reasoning are erroneous. The Rationing Officer inspected the premises of Respondent at Bhiwandi

on 9th May 2014. They have inspected the stock and the record. They found variance and even they found overwriting in the registers. They found that the vouchers are not coming forward so as to justify the stock. That is why, FIR came to be lodged against the Applicant under various sections of Essential Commodities Act and the relevant order with Kongaon Police Station on 10th May 2014.

5. For wants of instructions, both of them are unable to address the Court what is the status of that investigation. Even they are unable to tell as to whether stock was returned on the basis of the order passed by the learned Additional Sessions Judge. It is also true that it is edible oil and it is perishable material. Due to passage of time, this Court is unable to reverse the order because if the stock is already returned, there is no point in reversing the order. It can only be said that the findings by the Sessions Court are erroneous. Hence, this Revision Application is disposed of as become infructuous. It is a matter of record that the order impugned is not stayed by this Court. If criminal case is going on, let the concerned Court decide the case as per its merits without being influenced by the observations made hereinabove.

[S. M. MODAK, J.]