



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL APPLICATION (APL) NO.339/2026

(Ganesh S/o Ramesh Konkamwar and another Vs. State of Maharashtra, through Police Station Officer, Armori
Police Station, Distt. Gadchiroli and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.A. Mohta, Advocate for the applicants.
Mr. A.M. Kadukar, A.P.P. for the non-applicant Nos.1 and 2/State.

CORAM: MRS. VRUSHALI V. JOSHI, J.

DATED: 23.4.2026.

The applicants have filed this application seeking quashing of the F.I.R., charge sheet, and Criminal Complaint Sessions Trial No. 13/2026 arising out of Crime No. 508/2025, registered for offences punishable under Sections 123, 223, 274, 275, and 3(5) of the Bharatiya Nyaya Sanhita (BNS), and Sections 59(i), 26(2)(i), 26(2)(iv), 27(3)(e), and 3(1)(zz)(iv) of the Food Safety and Standards Act, 2006 and Rules, 2011.

2. The complainant received information from non-applicant No.1 regarding the illegal transport of contraband food articles prohibited by the State of Maharashtra by notification dated 28.07.2025. During interrogation, accused No. 1, from whom the contraband was seized, disclosed that he had purchased the said contraband from these two applicants.

3. The learned Advocate for the applicants submitted that, except the statement of accused No. 1 that he had purchased the contraband from these applicants, there is nothing on record against them. The statement of a co-accused is not admissible in evidence, and apart from that, there is nothing in the charge sheet to connect the applicants with the crime. Therefore, it is prayed that the F.I.R.,

charge sheet, and Sessions Trial registered against these applicants be set aside.

4. The learned A.P.P. opposed the application and submitted that, although the statement of the accused disclosed the names of these applicants, they are required to face trial. Therefore, it was prayed that the application be rejected.

5. Heard the learned Advocates for the parties and perused the record.

6. From the F.I.R. itself, it is clear that the crime was registered only on the basis of the statement made by the co-accused, which is inadmissible in evidence. There is nothing else on record to connect the applicants with this crime. In his statement, accused No. 1 disclosed the names of these applicants, but such a statement is not admissible. Nothing was seized from these applicants. Since their names were disclosed only during interrogation, and considering the guidelines laid down in State of Haryana and Ors. v. Bhajan Lal, a case is made out for quashing the F.I.R., charge sheet, and Criminal Complaint in Sessions Trial No.13/2026. Hence the application is allowed subject to depositing costs Rs.25,000/- with the Public Welfare Account maintained with Union Bank of India, High Court Branch, Civil Lines, Nagpur bearing Account No.129712010001014 and IFSC Code UBIN0812978 and producing the receipt thereof on record within two weeks.

(MRS. VRUSHALI V. JOSHI, J.)