



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

CRIMINAL APPLICATION APL NO.554/2026

Mohammad Fahim Mohammad Akbar

..VS..

State of Mah., thr.PSO Washim (City), Taluka and District Washim and ors

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

Court's or Judge's Order

**Shri P.R.Agrawal, Counsel for the Applicant.
Mrs.M.A.Barabde, APP for the State.**

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 16/03/2026

1. By this application, the application is seeking to quash order dated 9.10.2025 passed by learned Additional Sessions Judge, Washim in Criminal Misc.Application No.09/2025 and to allow Criminal Misc.Application No.09/2025 by condoning delay in filing an appeal under Section 6-C of the Essential Commodities Act, 1955 challenging order dated 4.10.2024 passed by non-applicant No.2 in Case No.9/2024 arising out of Crime No.743/2023 registered with non-applicant No.1 police station.

2. It is submitted by learned counsel for the applicant that the applicant is original applicant in Criminal Misc.Application No.09/2025 filed under Section 5 of the Limitation Act for condonation of delay in filing an appeal under Section 6-C of the Essential Commodities Act. The applicant is engaged in the business of Sale and Purchase of agricultural produces and the applicant is running the said business under name and style as "Maharashtra Trading

Company” at Washim. The applicant is having a valid licence to undertake the said business activities. On 13.9.2023, a raid was conducted at the godown of the applicant and agricultural produces i.e. Rice and Wheat were seized. Thereafter, proceeding was carried out before non-applicant No.2 i.e. the Collector at Washim and upon hearing, non-applicant No.2 was pleased to pass an order of confiscation on 4.1.2024 in Case No.9/2024. In all, three different orders were passed by non-applicant No.2 on 11.12.2023 in Case No.178/2023, 4.1.2024 in Case No.9/2024, and 8.1.2024 in Case No.11/2024 thereby confiscating the seized goods from the godown of the present applicant.

3. Being aggrieved and dissatisfied with the said three orders, initially, the present applicant filed a joint appeal bearing Criminal Appeal No.1/2024. Non-applicant No.1 police station filed its say opposing the prayer made in Criminal Appeal No.1/2024 on 29.2.2024. Thereafter, Criminal Appeal No.1/2024 was taken up for final hearing and the same was heard and put up for judgment on 5.2.2025. On that day, the concerned Presiding Officer brought to the notice of counsel for the applicant that common challenge to the different orders is not permissible and he ought to have filed three different appeals. Accordingly, Pursis was filed by counsel for the applicant below Exh.8 thereby not pressing the prayer to the extent of challenge to orders dated 4.1.2024 and 8.1.2024. However,

there appears to be some mistake in filing pursis. Accordingly, on 5.2.2024 itself, learned Additional Sessions Judge, Washim was pleased to pronounce judgment in Criminal Appeal No.1/2024 thereby allowing the same to the extent of order dated 11.12.2023 in Case No.178/2023 arising out of Crime No.528/2023 registered with non-applicant No.1 police station. Immediately, on or about 24.2.2025 the applicant has filed two sets of appeal challenging order dated 4.1.2024 in Case No.9/2024 arising out of Crime No.743/2023. As the time was consumed in deciding Criminal Appeal No.1/2024 in which there was a common challenge to three different orders which is not permissible, the delay is caused. In fact, it is not delay. The appeal was filed in time. Only common appeal was filed and, therefore, learned Additional Sessions Judge, Washim ought to have considered that in view of order passed and pointed out by learned Additional Sessions Judge, two separate appeals are filed. Thus, there is no delay in filing the appeal.

In view of that, the order passed by learned Additional Sessions Judge deserves to be quashed and set aside.

4. Learned APP for the State has strongly opposed the said contentions and submitted that counsel was knowing that joint prayer or common prayer cannot be made in appeal and there was no reasonable cause for the delay and,

therefore, the application is rightly rejected by learned Additional Sessions Judge.

In view of that, the application deserves to be rejected.

5. On hearing both sides and perusing the entire record, it reveals that initially, the applicant has preferred one appeal challenging three different orders dated 11.12.2023; 4.1.2024, and 8.1.2024. Thus, the appeal was filed in limitation period. However, a common challenge was made regarding three orders, which is not permissible and, therefore, in view of directions of learned Additional Sessions Judge, Washim, the appeal to the extent of two orders which are subsequent in time i.e. 4.1.2024 and 8.1.2024 was withdrawn and prayer in appeal to the extent of order passed on 11.12.2023 was accepted and it was allowed also.

6. Thus, considering reasons mentioned in the application, the prayer of the applicant deserves to be allowed. Moreover, it is well settled, as far as delay is concerned, that the applicant shall not be deprived from exercising his right due to technical difficulties or due to mistake committed by counsel. There has to be a liberal approach adopted while considering delay application and, therefore, pedantic approach is deprecated.

7. In this view of the matter, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(1) The criminal application is **allowed**.

(2) The order dated 9.10.2025 passed by learned Additional Sessions Judge, Washim in Criminal Misc.Application No.09/2025 is set aside.

(3) The delay is condoned.

(4) Learned Additional Sessions Judge, Washim shall reconsider the appeal on its own merits.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!