

Syed Shabbir S/O Syed Mir vs State Of Mah. Thr. Pso Ps Akot File Akola ... on 29 July, 2021

Author: S.M. Modak

Bench: S. M. Modak

3aba469.2021.

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

CRIMINAL APPLICATION (ABA) NO. 469/2021

Syed Shabbir s/o Syed Mir Versus State of Maharashtra

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

Court's or Judge's Order

Shri A.M. Sharma, Advocate for applicant.
Shri A.M. Kadukar, APP for Non-applicant

CORAM : S.M. MODAK, J.

DATE : 29th July, 2021.

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard learned advocate Shri A.M. Sharma, for the applicant.

3. Issue notice to the non-applicant, returnable on 09/08/2021.

4. Shri A.M. Kadukar, learned APP waives notice for non-applicant.

5. There is a insistence for granting of ad-interim protection. The prosecution has invoked the provisions of the Indian Penal Code as well as the provisions of the Food Safety and Standards Act, 2006. There is a contention that before launching prosecution under the Food Safety and Standards Act, 2006 report of public analyst and sanction is absolutely required. Whereas according to learned Additional Public Prosecutor the police have also invoked the provisions of the Indian Penal Code.

6. Learned Additional Sessions Judge has taken a note of grant of stay by the Hon'ble Supreme Court to the judgment delivered by this Court at the Principal Seat. It is on the point of invocation of the provisions of Section 328 of the Indian Penal Code. In such situation, I think the police needs to be heard in detail, after calling the reply. At this juncture, I feel it necessary to issue notice only.

JUDGE rkn