

# Mohammed Sahil S/O Mohammed Rafiq Memon vs The State Of Mah. Thr. Pso, Nagbhid Ps ... on 6 February, 2024

**Author: Vinay Joshi**

**Bench: Vinay Joshi**

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912.apl

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

CRIMINAL APPLICATION (APL) NO. 198/2024  
Mohammed Sahil S/o. Mohammed Rafiq  
Vs.  
State of Maharashtra

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

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Mr. S. A. Mohta, Advocate for Applicant.  
Mr. A. B. Badar, A.P.P. for Non-applicant/State.

CORAM : VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.

DATED : 06/02/2024.

. Heard.

2. This is an application seeking to quash charge- sheet arising out of Crime No.99/2023 registered with Police Station Nagbhid, District Chandrapur for the offence punishable under Section 273, 188 of the Indian Penal Code, 1860 and Section 59(i) of the Food Safety and Standards Act, 2006.

3. A four wheeler car was intercepted while carrying scented tobacco for which the report is lodged by the police. The applicant would submit that he was a gratuitous passenger, by chance travelling by said car and thus, caught in the trap.

4. The learned Counsel for the applicant would submit that prosecution itself was not tenable since the report ought to have been lodged by Food Safety Officer. It is submitted that the offence punishable under Section 273 is non-cognizable, to invoke Section 188 of the Indian Penal Code there has to be a complaint by the public 2 912.apl.198.24 officer of whose order has been breached. Moreover, there is no sanction of higher authority to invoke Section 59(i) of the Food Safety and Standards Act, 2006.

5. The Trial Court shall not proceed further till next date.

6. Stand over to 19.03.2024.

(MRS. VRUSHALI V. JOSHI, J.) (VINAY JOSHI, J.) RGurnule Signed by: Mrs. R.M. MANDADE  
Designation: PA To Honourable Judge Date: 07/02/2024 18:03:43