

Sanket S/O. Bharat Raicha vs State Of Mah. Thr. Pso, Lakhandur Ps, ... on 31 July, 2023

Author: Vinay Joshi

Bench: Vinay Joshi

25 APL

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

CRIMINAL APPLICATION (APL) NO.1031 OF 2023

[Sanket s/o Bharat Raicha ..V/s.. State of Maharashtra and Anr.]

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

Court's or Judge's order

Mr S. A. Mohta, Advocate for Applicant.

Mr N. R. Rode, APP for Non-Applicant Nos.1 and 2.

CORAM : VINAY JOSHI AND VALMIKI SA MENEZES, JJ.

DATE : 31st JULY, 2023.

. Heard.

2. This is an application seeking to quash the First Information Report (FIR) in Crime No.207 of 2023, registered with Lakhandur Police Station, District Bhandara, for the offence punishable under Sections 188, 272, 273 and 328 read with Section 34 of the Indian Penal Code 1860 and under Section 59 of the Food Safety and Standards Act, 2006.

3. It is applicant's contention that he has sold certain articles (scented tobacco), prohibited in Maharashtra State, to co-accused Mohanlal Nagwani at Chhattisgarh State. In turn, Mohanlal transported those goods to the State of Maharashtra through Ashish Makade and Shantanu Pradhan. Since there was prohibition in the State of Maharashtra, the goods were seized, and therefore, the offence.

4. It is applicant's contention that there was no prohibition in the State of Chhattisgarh. He has merely sold the goods to co-accused No.3 Mohanlal Nagwani, hence, he has no concern with further things happened with the goods, which were under control of Mohanlal.

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5. Stand over after four weeks. Mr Rode, learned APP waives notice for non-applicant Nos.1 and 2.
6. In the meantime, investigation shall go on, but the charge- sheet shall not be filed without obtaining leave of this Court.

(VALMIKI SA MENEZES, J.) (VINAY JOSHI, J.) TAMBE