

Shankarlal S/O. Chandulal Tanwani vs The State Of Mah. Thr. Its Officer In ... on 2 February, 2024

Author: Vinay Joshi

Bench: Vinay Joshi

Order

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

CRIMINAL APPLICATION [APL] NO. 188/2024.
Shankarlal Chandulal Tanwani.
-VERSUS-
State of Maharashtra and another.

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

Court's or Judge's Orders

Shri S. Dewani, Advocate for the Applicant.
Ms Kolhe, A.P.P. for Non-applicants.

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

DATE : FEBRUARY 02, 2024.

On oral request, the applicant is permitted to amend the cause title by correcting nomenclature of non-applicant no.2, by impleading party in official capacity. Necessary amendment be carried out forthwith.

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Heard.

2. This is an application seeking to quash the first information report bearing Crime No.10/2024 registered with Karanja Police Station, Rgd.

Order 0202apl188.24 District Wardha for the offence punishable under Sections 188, 272, 273, 328 read with Section 34 of the Indian Penal Code and Sections 26[1], 26[2][iv], 27[3][e], 30[2][a], 3[1][zz][iv] of the Food Safety and Standards Act.

3. The applicant is a trader from State of Madhya Pradesh indulging into sale of grocery items. It is primely canvassed that in the State of Madhya Pradesh there is no prohibition on sale or possession of scented tobacco. It is informed that one person [co-accused] was found selling some prohibited items in the State of Maharashtra, who disclosed that he has purchased the said items from the applicant, who is doing the business in the State of Madhya Pradesh.

4. The learned Counsel for the applicant submits that since there is no prohibition at State of Madhya Pradesh, the alleged offence would not have been invoked. In support of said contention, reliance is placed on the decision of this Court in Criminal Application (APL) No.1395/2023 - Shankarlal Chandulal Tanwani .vrs. State of Rgd.

Order 0202apl188.24 Maharashtra and another decided on 15.01.2024.

5. In view of above, issue notice to non- applicants, returnable on 15.03.2024. Learned A.P.P. waives notice for non-applicants.

6. In the meanwhile, though the prosecution may continue with their investigation, but, charge sheet should not be filed without obtaining prior permission of this Court.

7. Also in the meanwhile, in view of earlier decision of this Court and considering the peculiar facts, no coercive steps be taken against the applicant till the returnable date.

JUDGE JUDGE Signed by: R.G. Dhuriya (RGD) Designation: PS To Honourable Judge Date: 05/02/2024 11:15:07 Rgd.