



**ORDER BELOW EXH.01 IN S.C.C. NO.34/2011**

State Vs. Ashok & Ors.

CNR NO.MHLA060015922025

**01.** It is the case of the prosecution that the accused are the owners of various hotels in Ahmednagar city. On 01.02.2010 upon the order of Tahsildar Ahmedpur, one team was formed for the inspection of hotels run in Ahmednagar city. The informant viz Rukhiyabegum being a member of the said team alongwith the other team members visited canteen of Ahmedpur Bus Stand which is run by accused No.3, hotel Annapurna Idali run accused No.4, hotel Asha run by accused No.1 and other hotels run by accused No.2, 5 and 6. It was found that the accused were using domestic LPG cylinders for commercial purposes which is offence under Section 3/7 of the Essential Commodities Act.

**02.** Accused No.1 and 6 are dead. So, the case against them is abated. Accused 2, 4 and 6 are absent since long. The case is old. Their presence could not be secured inspite of repeated warrants. It does not seem that the presence of the accused will be secured in near future.

**03.** The act of the accused had not cause any damage to the public at large. Section 3 of the Essential Commodities Act deals with powers to control, production, supply, distribution, etc of essential commodities. The said powers are to be used by the central

government for the purposes stated in the said Section by issuing the orders or by issuing notification. In the present case no such notification or order promulgated by the central government or any authority has not been filed on record. Therefore, even if the case proceeds, it will not end in the conviction. Further, the prosecution has not produced on record the licence of the business alleged to be run by the accused. Hence, it is futile to keep the case pending merely waiting for the appearance of the absent accused. Hence, it is fit case to invoke powers of this Court under Section 258 of the Code of Criminal Procedure and stop the proceeding. In result I pass the following order;

**ORDER**

1. The proceeding is stopped.
2. The accused **2. Mahadev Sandipan Bhandarge, 3. Nandkishor Ramrao Patil, 3. Keshav Ravsaheb Kadam, 4. Hemant Shamshundar Gitte and 5. Balaji Baliram Gore** are discharged of the offences punishable under Section 3 of the Essential commodities Act.
3. The seized 10 LPG gas cylinders be sent to Tahsildar, Ahmedpur for their disposal according to law.
4. The bail bonds of the accused are cancelled and the accused are set at liberty.

Date- 13.03.2026

**(S.D. Wadgaonkar)**  
Judicial Magistrate First Class  
Court No. 01 Ahmedpur