

MHRT060003682026

ORDER BELOW EXH. 01 IN**Criminal M.A. No. 56/2026****Samir Damodar Mahadik****Vs.****Police Inspector Dapoli Police Station etc 1**

The applicant has filed the present application under Section 503 of BNSS for unlock the shop and restoration of possession of the shop, which the Food Safety Officer sealed during the course of investigation.

02. The applicant submitted that, the applicant has the shop at Gimhavane, Tal.Dapoli, Dist. Ratnagiri Gat No.128/b in property no. 1528. He is the owner of the said shop and his livelihood is dependent on the said shop. It is further contended that the shop was sealed by the food safety officer. He further submitted that the food safety officer had already seized banned tobacco products. Therefore, no purpose will be served by keeping the said shop sealed. It is further submitted that continued sealing of the shop is causing serious financial hardship to the applicant as the business has completely come to a standstill. To substantiate the ownership of the said shop of the applicant, he has produced on record 7/12 extract Gat No.128/b and assesment no. 1528. Further, applicant has filed Registration Certificate and Udyam Registration Certificate at Exh.12/3 and Exh.12/4. Therefore, prayed to unlock and unseal the shop.

03. The Food Safety Officer filed his say and thereby objected to the prayer of the applicant. It is contended that the prohibited gutkha tobacco seized from the accused, if the shop is

de-sealed, is likely to commit the same offence again. Hence, the application stands rejected.

04. The I.O. and Ld. APP their filed say and submitted that the said prohibited items are seized by the food safety officer. Accused may commit further similar offences in future. Investigation is pending. During the pendency of investigation if permission is granted to unlock the shop, possibilities of tampering with the evidence can not be ruled out. Hence, application may be rejected.

05. Heard Ld. Advocate for the applicant, and Ld APP for the prosecution.

06. On perusal of the record, it is prima facie seen that the alleged tobacco gutkha product which was found in the possession of the applicant is already seized. Therefore, no purpose would now be served by continuing the seal upon the applicant's shop. On the contrary, continued sealing is likely to cause hardship and financial loss to the applicant. Under such circumstances, the apprehension of the prosecution can adequately be safeguarded by imposing suitable conditions on the applicant. Accordingly, I proceed to pass the following order.

ORDER

1. The Food Safety Officer is directed to remove the seal in front of the investigating officer which is affixed to the shop premises at Mr. Samir Damodar Mahadik, At. Gimhavane, Tal.Dapoli, Dist. Ratnagiri Gat No.128/b in property no. 1528 immediately, subject to the condition that he shall not keep the prohibited tobacco articles or any articles prohibited under the Food and Drugs Act.

2. Before de-sealing the premises, the Food Safety Officer/Investigating Officer shall ensure that a detailed inventory, panchnama and photographic/videographic record of the premises is prepared, if the same has not already been prepared.
3. Upon de-sealing, peaceful possession of the shop shall be restored to the applicant.
4. The applicant shall not alter, demolish or materially change the physical features of the premises in any manner which may prejudice the investigation or trial without prior permission of the Court.
5. The applicant shall preserve all articles, documents or objects, if any, which are relevant to the investigation and shall not remove or destroy the same.
6. The applicant shall extend full cooperation to the Investigating Officer and shall permit inspection of the premises whenever lawfully required during investigation or trial.

(Typed and pronounced in open Court)

Date: 20/07/2026
Dapoli

Sd/-***
(V. A. Makandar)
Judicial Magistrate, F.C., Dapoli,
Tal. Dapoli, Dist. Ratnagiri.

CERTIFICATE

I affirm that the contents of this PDF file order are same words as per original order.

Name of Stenographer	:	Shri. V. V. Bamane
Court Name	:	C.J.J.D. & J.M.F.C., Dapoli
Date of Order	:	20.07.2026
Order signed by P.O. on	:	20.07.2026
Order uploaded on	:	20.07.2026