



Presented on : 25/08/2025
Registered on : 25/08/2025
Decided on : 08/07/2026
Duration : Ys. Ms. Ds.
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IN THE COURT OF SESSIONS JUDGE AT SOLAPUR Present : Manoj S. Sharma, Sessions Judge Date of the Judgment – 08/07/2026 Sessions Case No. 186/2025 CNR : MHSO-1002643-2025 Exh. 33 "A"		
FIR No. 163/2024 of Faujdar Chawadi Police Station, Solapur		
COMPLAINANT		State of Maharashtra
REPRESENTED BY		Learned APP Mr. A. G. Kurdukar
ACCUSED No.	1	Prashant Siddheshwar Taratpatte, Age. 42 years, Occ. Pan Shop R/o. Umrajkar Vasti, near Pandurang Temple, Nirale Vasti, Solapur.
	2	Rahul @ Yalappa Shahu Saudagar, Age. 25 years, Occ. Labourer, R/o. H. No. 55/46, Shahir Vasti, Bhavani Peth, Solapur.
	3.	Kudratulla Kalim Kazi, Age. 51 years, Occ. Business, R/o. Kazi lane, Naldurg, Tal. Tuljapur, Dist. Osmanabad
REPRESENTED BY		Adv. R. S. Matre, for accused persons.

Date of Offence	18/03/2024
Date of FIR	18/03/2024
Date of Charge-sheet	03/12/2024
Date of Framing of Charge	09/09/2025

Date of commencement of evidence	18/06/2026
Date on which judgment is reserved	08/07/2026
Date of the Judgment	08/07/2026
Date of the Sentencing Order, if any	--

Accused Details

Rank of Accused	Name of the accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428 Cr.PC.
1	Prashant Siddheshwar Taratpatte	18/03/2024	04/04/2024	Section 328, 188, 272 & 273 read with section 34 of IPC & Section 59 of FSS Act	Acquitted	--	--
2	Rahul @ Yalappa Shahu Saudagar	03/04/2024	03/04/2024		Acquitted	--	--
3	Kudratulla Kalim Kazi,	10/04/2024	10/04/2024		Acquitted	--	--

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES**A. Prosecution :**

RANK	NAME	EXH	NATURE OF EVIDENCE
PW-1	Renuka Ramesh Patil	17	First informant
PW-2	Sachin Bhujangrao More	24	Panch Witness
PW-3	Tatyasaheb Shivajirao Patil	26	Witness
PW-4	Sandip Changdev Patil	28	Investigating officer

B. Defence Witnesses, if any :

RANK	NAME	EXH.	NATURE OF EVIDENCE
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C. Court Witnesses, if any :

RANK	NAME	EXH.	NATURE OF EVIDENCE
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LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS**A. Prosecution :**

Sr. No.	Exhibit	Description
1	20	FIR
2	18	Seizure panchanama
3	19	Inspection report

B. Defence :

Sr. N	Exhibit Number	Description
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C. Court Exhibits

Sr. N	Exhibit Number	Description
1	---	---

D. Material Objects :

Sr. N	Exhibit Number	Description
1	--	----

J U D G E M E N T(Delivered on this 08th day of July, 2026)

1. The accused persons stood tried for the offences punishable under section 328, 188, 272 and 273 read with section 34 of the Indian Penal Code (for the sake of brevity, hereinafter to be referred as “IPC”) and section 59 of Food Safety and Standards Act (herein after to be referred as “the Act”).

The case of the prosecution, in brief, is as under :-

2. Since the year 2021, one Renuka Ramesh Patil is serving as Food Safety Officer. It is alleged that, on 18/03/2024 when she was on duty, she received an information from API Sandip Patil of Crime Branch, Solapur in respect of prohibited Gutkha and Pan Masala. Thereafter, she along with team of crime branch and panch witness Sachin More went to

M/s. K. S. Pan Shop situated near North Kasba, Solapur and after going there, they inquired with the person present in said pan shop, upon which, he disclosed his name as Prashant Taratpatte i.e., accused. Then, they inspected the pan shop and found prohibited Gutkha and Pan Masala in said pan shop, i.e., Baba scented tobacco, Rajanigandha Pan Masala, Hirwa Goa 1000 Gutkha, V1 scented tobacco, Vimal Pan Masala and Hai Gutkha and M scented tobacco etc total worth Rs. 49,965/-.

3. Thereafter, the informant Renuka Patil collected some samples from all those articles and sealed remaining articles. She prepared an inspection report and panchanama on the spot. Thereafter, she also sealed said pan shop and then lodged an FIR with police station Faujdar Chawadi, Solapur, in view of which, present crime came to be registered and investigation of the same was handed over to API Sandip Patil, who also accompanied informant Renuka Patil in conducting the raid.

4. After taking over the investigation, he arrested the accused and made an inquiry from them and during said inquiry, name of accused No.2 and 3 surfaced. Thereafter, he obtained CDR of all accused persons and also, sought statement of their bank statement and upon careful perusal of the same, he arrived at a conclusion that, all the accused persons in collusion with each other have committed said crime. Accused No.2 and 3 supplied prohibited Gutkha to accused No.1 who ultimately sold to some public. Then, he recorded statement of witnesses and upon finding sufficient evidence against the accused persons, he filed charge sheet against them before the learned Judicial Magistrate First Class, Solapur, who, in turn, committed the case for trial to the Court of Sessions.

5. The charge below Exh.8 was framed against accused No.1 to 3 for aforesaid offences. They pleaded not guilty and claimed to be tried.
6. Upon commencing the trial, in all, prosecution examined four witnesses and closed the evidence by filing pursis below Exh.29. Thereafter, the statements of the accused persons as per section 313 of the Code of Criminal Procedure was recorded below Exh.30 to 32. The defence of accused persons is of total denial, they neither entered the witness box nor examined any witness.
7. Heard learned APP for the State and learned advocate for the accused persons. Perused the record.
8. In the light of submissions so made and evidence so brought on record, following points arise for consideration;

POINTS**FINDINGS**

- 1 Do the prosecution prove that, on 18/03/2024 during the period 12.30 hours to 2.30 hours at K. S. Pan Shop, 1016 North Kasba, Solapur, accused persons in furtherance of their common intention caused to be taken stupefying, intoxicating or unwholesome things i.e., 22 boxes (each box worth Rs. 1585/-) of Baba scented tobacco worth Rs. 34,870/-, 1.5 boxes (each box worth Rs. 3,400/-) of Rajanigandha Pan Masala worth Rs. 5100/-, 41 packets (each packet worth Rs. 135/-) of Hirwa Goa 1000 Gutkha worth Rs. 5535/-, 24 packets (each packet worth Rs. 30/-) of V1 scented tobacco worth Rs. 720/-, 24 packets (each packet worth Rs. 120/-) of Vimal Pan Masala worth Rs. 2880/-, 2 packets (each packet worth Rs. 130/-) of Hay Gutkha worth Rs. 260/- and 1 box of M scented tobacco worth

No.

Rs. 600/- total worth Rs. 49,965/- by people knowing it to be likely to cause hurt thereby to them and and thereby committed an offence punishable under section 328 of IPC ?

- 2 Do the prosecution prove that, accused persons in furtherance of their common intention adulterated an article of food namely beetle nuts, so as to make it noxious as scented beetle nuts and tobacco knowing it to be likely that the same will be sold as a food (Mava) and thereby committed an offence punishable under section 272 of IPC ? No.
- 3 Do the prosecution prove that, on aforesaid date, time and place, accused persons in furtherance of their common intention offered for sale food articles i.e., 22 boxes (each box worth Rs. 1585/-) of Baba scented tobacco worth Rs. 34,870/-, 1.5 boxes (each box worth Rs. 3,400/-) of Rajanigandha Pan Masala worth Rs. 5100/-, 41 packets (each packet worth Rs. 135/-) of Hirwa Goa 1000 Gutkha worth Rs. 5535/-, 24 packets (each packet worth Rs. 30/-) of V1 scented tobacco worth Rs. 720/-, 24 packets (each packet worth Rs. 120/-) of Vimal Pan Masala worth Rs. 2880/-, 2 packets (each packet worth Rs. 130/-) of Hay Gutkha worth Rs. 260/- and 1 box of M scented tobacco worth Rs. 600/- total worth Rs. 49,965/- having reason to believe that the same is noxious as food and thereby committed an offence punishable under section 272 of IPC ? No.
- 4 Do the prosecution prove that, on aforesaid date, time and place, accused persons in furtherance of their common intention knowing that by an order promulgated by a public servant namely Food Security Commissioner, lawfully empowered to promulgate the said order where under accused persons were directed to abstain from possessing, storage, selling and transportation of Gutkha, Pan Masala, scented tobacco in State of Maharashtra and disobeyed such direction which knowing it to be likely to cause hurt to public and thereby committed an offence punishable under section 273 of IPC ? No.

5 Do the prosecution prove that, on aforesaid date, time and place, accused persons found in possession of stock of food i.e., 22 boxes (each box worth Rs. 1585/-) of Baba scented tobacco worth Rs. 34,870/-, 1.5 boxes (each box worth Rs. 3,400/-) of Rajanigandha Pan Masala worth Rs. 5100/-, 41 packets (each packet worth Rs. 135/-) of Hirwa Goa 1000 Gutkha worth Rs. 5535/-, 24 packets (each packet worth Rs. 30/-) of V1 scented tobacco worth Rs. 720/-, 24 packets (each packet worth Rs. 120/-) of Vimal Pan Masala worth Rs. 2880/-, 2 packets (each packet worth Rs. 130/-) of Hay Gutkha worth Rs. 260/- and 1 box of M scented tobacco worth Rs. 600/- total worth Rs. 49,965/- for human consumption which is unsafe and thereby committed an offence punishable under section 59 of the Act. No.

6 What order ? Accused are acquitted.

All the points are answered accordingly for the reasons stated below;-

REASONS

9. In so far as, evidence on record is concerned, it has both oral as well as documentary. As far as oral evidence is concerned is as follows;-

RANK	NAME	EXH	NATURE OF EVIDENCE
PW-1	Renuka Ramesh Patil	17	First informant
PW-2	Sachin Bhujangrao More	24	Panch Witness
PW-3	Tatyasaheb Shivajirao Patil	26	Witness
PW-4	Sandip Changdev Patil	28	Investigating officer

10. In so far as the documents are concerned, it is as follows :-

Sr. No.	Exhibit	Description
1	20	FIR
2	18	Seizure panchanama
3	19	Inspection report

As to points No. 1 to 5 :-

11. Since all the points are interlinked and evidence in that respect is the same, therefore, for the sake of convenience, they are considered together.

12. The prosecution was under burden to prove that, prohibited Gutkha was seized from the possession of accused No.1 and accused persons did said act knowingly that, same is likely to cause hurt and therefore, committed offence punishable under section 328 of IPC. Also, that all the accused persons adulterated a food and thereby committed an offence punishable under section 272 of IPC. It was also burden on the prosecution to prove that, all the accused persons had a reason to believe that, all the prohibited Gutkha were noxious as a food, still they were engaged in selling the same to public and in violation of the provisions of law, they possessed, sold and transported said banned Gutkha and pan masala, which was highly unsafe for human consumption and thereby committed an offence punishable under section 273 and 188 of IPC and Section 59 of the Act.

13. To discharge the burden, the prosecution examined important witness PW-1 Renuka Ramesh Patil, the Food Safety Officer, as per whose version, on 18/03/2024, PW-4 Sandip Patil informed her about prohibited Gutkha and pan masala and thereafter along with team of crime branch, she visited M/s. K. S. Pan Shop where accused No.1 was alleged to have been present and from said shop she seized prohibited Gutkha and other articles. She obtained the samples from there and sealed other articles. Also, she sealed said pan shop. Thereafter, she forwarded seized samples to Laboratory at Aurangabad for analysis and received report regarding

the same. Also, she sent a proposal to the Assistant Commissioner of Food Safety and Drugs Administration Department for chemical analysis for grant of sanction to prosecution all accused persons.

14. On the other hand, as per version of another important witness PW-4 API Sandip Patil, in the year 2024, he was serving as an Assistant Police Inspector in Crime Branch at Solapur. On 18/03/2024, he was on duty and was patrolling in the jurisdiction of Faujdar Chawadi Police Station, that time, he received a phone call from Senior Police Inspector Dorage, who told him that, they were required to go with Food Safety Officer for some action, therefore, along with police staff, he went to Uttar Kasba, as Food Safety Officer has called them there. They went to K. S. Pan Shop and Food Safety Officer inquired the person who was sitting in said pan shop about his name, upon which, said person replied that, his name is Prashant Taratpatte. Then, Food Safety Officer inspected said pan shop and found prohibited Gutkha worth Rs. 49,900/- in said pan shop, which was seized by Food Safety Officer and then, she also sealed said pan shop. Then, Food Safety Officer lodged an FIR in the police station.

15. Apart from that, there is another witness PW-3 Tatyasaheb Patil, who was serving as Police Head Constable in Faujdar Chawadi. As per his version, at the relevant time, he was attached with Crime Branch at Solapur and was serving as Police Naik. On 18/03/2024, when he was on duty, he was on patrolling within the jurisdiction of Faujdar Chawadi police station, that time, he received an information that, they are required to meet Food Safety Officer PW-1 Renuka Patil. Accordingly, they went to meet her and that time, PW-1 Renuka Patil told them that,

prohibited Gutkha and Mava are being sold in said Pan Shop, Solapur. They called two panch witnesses and seized said Gutkha worth Rs.49,965/- from said pan shop and panchanama got prepared there. They seized articles and accused were produced in the police station. He also identified accused No.1 present before the court.

16. Learned advocate for the accused persons submitted that, version of all witnesses is discrepant and creates a reasonable doubt. He also submitted that, though K. S. Pan Shop is mentioned in the FIR, but no document pertaining to the same or regarding ownership of the same have been produced on record and therefore, case of the prosecution has highly doubtful. Also he submitted that, even before receipt of chemical analysis report and sanction from Assistant Commissioner, Food and Drugs Administration Department, Solapur, charge sheet came to be filed against accused persons, which is in violation of the Act and therefore, the prosecution has miserably failed to discharge the burden.

17. Per contra, learned APP submitted that, oral testimony of all the witnesses inspire confidence and therefore, the prosecution has successfully discharged the burden and proved all the offences against the accused persons.

18. In so far as discrepancies in the version of witnesses is concerned, to certain extent it is correct. As per version of PW-1 Renuka Patil, it was PW-4 API Sandip Patil who made a phone call to PW-1 Renuka Patil on 18/03/2024 and informed that, he is having some information regarding illegal Gutkha and Pan Masala and thereafter, PW-1 Renuka Patil, team of Crime Branch and panch witness PW-2 Sachin More went to

Uttar Kasba, Solapur and visited M/s. K. S. Pan Shop. While, as per version of PW-4 API Sandip Patil, on 18/03/2024 he was on duty and was on patrolling, that time, he received a phone call from Senior Police Inspector Dorage conveying to him that, they are required to go with Food Safety Officer for some action and then, thereafter he along with police staff went to Uttar Kasaba, as Food Safety Officer called them there.

19. On one hand, it is the version of PW-1 Renuka Patil that, it was PW-4 API Sandip Patil who made a phone call to her and gave information regarding prohibited Gutkha and Pan Masala and then, she along with team of Crime Branch visited said M/s. K. S. Pan Shop, while on the other hand, as per version of PW-4 API Sandip Patil, it was Senior Police Inspector Dorage who made a phone call and told him that, they are required to go with Food Safety Officer. Nowhere he deposed that, he made a phone call to PW-1 Renuka Patil and gave information regarding the prohibited Gutkha and Mava.

20. Further more, as per version of PW-1 Renuka Patil along with team of Crime Branch, she visited M/s. K. S. Pan Shop at Uttar Kasba, Solapur, while, as per version of PW-4 Senior Police Inspector Dorage informed him that, Food Safety Officer has called them at said pan shop and accordingly, they went there. Nowhere this witness deposed that, along with PW-1 Renuka Patil, he and team of Crime Branch went together to K.S.Pan Shop. These discrepancies raises a doubt on the version of both witnesses.

21. Further more, in her cross-examination, PW-1 Renuka Patil clearly admitted that, she did not hand over document of ownership of

said pan shop to the police station, nor did she file the same in the court. PW-4 API Sandip Patil deposed in his cross-examination that, he do not remember, whether during investigation, he received document of ownership of K. S. Pan Shop. The record clearly show that, no such document was either collected during investigation and brought on record.

22. Thus, apart from bare words of both the witnesses regarding ownership of K. S. Pan Shop, not a single document is produced on record, connecting accused No.1 with said pan shop. It is therefore highly suspicious, whether accused No.1 was found to be in conscious possession of prohibited Gutkha or not and in what capacity, he was present in the said pan shop. Nowhere the prosecution has claimed that, said pan shop was belonging to accused No.1 and he was the owner of said shop. In absence of any such proof, it is very difficult to connect accused No.1 with incident as alleged by the prosecution.

23. Another important piece of evidence is the panchanama and inspection report, which are claimed to have been prepared on the spot by PW-1 Renuka Patil. Bare perusal of both the documents below Exh. 18 and 19 clearly show that, both the documents were prepared on a computer and copy of them were taken through a printer. It is not a case of PW-1 Renuka Patil that, along with her she brought any computer or laptop and printer on the spot of incident. In absence of any such averment, it is rather very difficult to accept that, panchanama below Exh. 18 and inspection report below Exh. 19 were prepared on the spot of incident, as claimed by the prosecution.

24. In this respect, testimony of panch witness PW-2 Sachin More is also important. In his examination in chief below Exh. 24, this witness deposed that, he know PW-1 Renuka Patil and on 18/03/2024, he was present in Zilla Parishad office. On that day, he received a phone call from officer of Crime Branch, who conveyed him that, Gutkha and Pan Masala have been seized and asked him to come to office of PW-1 Renuka Patil. When, he went there, that time, police were counting number of Gutkha and tobacco mixed with Mava and after completing said procedure, police obtained his signature. He identified said panchanama below Exh. 18 and inspection report below Exh. 19.

25. He was declared hostile by the prosecution and in cross-examination conducted by the learned APP, he almost admitted averment that, he had visited K. S. Pan Shop and in his presence, seven types of Gutkha and prohibited Mava were seized, samples were obtained and panchanama and inspection report were prepared. He also admitted that, entire procedure was completed on the spot of incident itself. However, in further cross-examination conducted by learned advocate for the accused, this witness again admitted that, his signature below Exh. 18 and 19 were obtained in the office of PW-1 Renuka Patil. He also admitted that, when he went to said office, police has produced seven types of prohibited Gutkha and Mava and police has counted the same in the office itself. This witness further admitted that, earlier also, he had acted as a panch in number of cases and that, he is unable to state the address of K. S Pan Shop and four boundaries of the same. Thus, this sole witness on panchanama was crucial and important, however, no reliance can be placed on his testimony.

26. Further more, his version that, panchanama below Exh.18 and inspection report below Exh. 19 respectively were prepared in the office of PW-1 Renuka Patil appear to be correct, as already it is observed herein before that, both the panchanamas clearly show that, they were typed on a computer and prints of the same were taken.

27. Another important aspect is, while lodging of an FIR, PW-1 Renuka Patil clearly mentioned the section under which FIR is filed by claiming, which of the offences as per which law has been committed by these accused persons. She also specifically mentioned that, accused has violated the provisions of Section 188, 272, 273 and 328 of IPC and also violated the provisions of Section 26(2)(i), 26(2)(ii), 26(2)(iv) read with 27(3)(e), 30(2)(a) rule 3.1.7 (Food Products Standards and Food Additives) read with rule 2.3.4 (Prohibition and Restriction on Sales) Regulation 2011. She also gave reference of various Government Resolutions issued by the Government of Maharashtra.

28. Surprisingly, in her cross-examination, PW-1 Renuka Patil has admitted that, while lodging of an FIR, she did not have report of any expert regarding seized articles which clearly show that, even before the obtaining the report of any expert clearly showing that, food articles were hazardous and noxious for the human health and they were adulterated, already, PW-1 Renuka Patil has leveled allegation of such nature by clearly mentioning the provisions of the relevant Act and Code, which itself casts serious doubt in the version of PW-1 Renuka Patil.

29. Another aspect is regarding filing of charge sheet against the accused persons. PW-4 API Sandip Patil in his cross-examination has

admitted that, till filing of the charge sheet, he did not receive any sanction for the prosecution from Assistant Commissioner of Food and Drugs Administration Department, which clearly show that, without any sanction, charge sheet came to be filed. Section 41 to 47 of the Act clearly lays down the procedure to be followed, if action is to be taken regarding food articles or alleged adulteration of the food. The provisions of those section are mandatory and must be followed.

30. In the case in hand, very surprising aspect is, the raid was conducted by PW-1 Renuka Patil and she lodged an FIR when the Act do not provide for lodging of an FIR by Food Safety Officer. The Act clearly mandates and provides that, Food Safety Officer shall obtain sanction from the Assistant Commissioner of Food and Drugs Administration Department to launch a prosecution against the errant persons and after obtaining sanction, Food Safety Officer is required to file a complaint directly before the court, but, PW-1 Renuka Patil did not follow said procedure. The sanction is on record. Surprisingly, said sanction provides power to PW-1 Renuka Patil to lodge a prosecution, which she did not obey and charge sheet was filed by PW-4 API Sandip Patil before the court.

31. It is further important to note that, the Act do not grant any power to the police to investigate the matter, which falls under the provisions of the Act. Thus, there is a clear violation of the mandatory provisions of the Act and neither PW-1 Renuka Patil nor PW-4 API Sandip Patil followed any directions mandated by the provisions of the Act and therefore, entire procedure was adopted by PW-4 API Sandip Patil, the investigation officer got vitiated.

32. Thus, in view of observations so recorded in respect of the evidence so brought on record by the prosecution and considering the breach of provisions of the Act or violation of the provisions of the Act committed by the respective Government Officers, it can not be said that, the prosecution has succeeded in discharging the burden and bring the guilt of the accused No.1 at home.

33. In so far as accused No.2 and 3 are concerned, there is absolutely no evidence on record to show their involvement in the commission of crime. Merely on the basis of Cdr and Bank Statement, no inference of their involvement and crime can be gathered and as such, prosecution has also miserably failed to prove the charges against accused No.2 and 3. As such, points No. 1 to 6 are answered in the negative.

As to point No. 7 : -

34. Since the prosecution was not unable to discharge the burden and bring the guilt of the accused persons at home, the accused persons are entitled to be acquitted. Hence, the following order is passed.

ORDER

- 1 Accused No.1 Prashant Siddheshwar Taratpatte, accused No.2 Rahul @ Yalappa Shahu Saudagar and accused No. 3 Kudratulla Kalim Kazi are acquitted of the offences punishable under Section 328, 188, 272 and 273 of the Indian Penal Code and section 59 of the Food Safety and Standards Act, vide Section 235(1) of the Criminal Procedure Code.

- 2 Accused shall execute the bail bond of Rs.15,000/- (Rs. Fifteen Thousand) each with a surety in like amount to appear before the Appellate Court as and when the Court issued notice in respect of appeal or petition against the judgment vide Section 437-A of the Code of Criminal Procedure, 1973.
- 3 The bail bond stand cancelled and surety be discharged.
- 4 The muddemal articles, viz., 22 boxes (each box worth Rs. 1585/-) of Baba scented tobacco worth Rs. 34,870/-, 1.5 boxes (each box worth Rs. 3,400/-) of Rajanigandha Pan Masala worth Rs. 5100/-, 41 packets (each packet worth Rs. 135/-) of Hirwa Goa 1000 Gutkha worth Rs. 5535/-, 24 packets (each packet worth Rs. 30/-) of V1 scented tobacco worth Rs. 720/-, 24 packets (each packet worth Rs. 120/-) of Vimal Pan Masala worth Rs. 2880/-, 2 packets (each packet worth Rs. 130/-) of Hay Gutkha worth Rs. 260/- and 1 box of M scented tobacco worth Rs. 600/- being useless and worthless, be destroyed after the expiry of appeal period or subject to finality of appeal, if any.

Date : 08/07/2026

(Manoj S. Sharma)
Sessions Judge, Solapur

CERTIFICATE

I affirm that, the contents of this PDF file Judgment are same word to word, as per the original order.

Name of the Court : Principal District & Sessions

Court, Solapur.

Name of Stenographer : P. N. Kanaki

Judgment signed by the
Presiding Officer on : 08/07/2026

Judgment uploaded on : 09/07/2026