

MHSO010038242025



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| Received on | 18/12/2025 | | |
| Registered on | 18/12/2025 | | |
| Decided on | 13/03/2026 | | |
| Duration | Y. | M. | D. |
| | 00 | 02 | 23 |

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| | <p align="center"><u>IN THE COURT OF ADDITIONAL SESSIONS JUDGE, SOLAPUR,</u></p> <p align="center">Before Shri. R. J. Katariya, Additional Sessions Judge, Solapur.</p> <p align="center"><u>SESSIONS CASE NO. 311 OF 2025. EXH. No. 25</u></p> |
| | C. R. No. 403/2022 of Mandrup Police Station, District Solapur. |
| COMPLAINANT | The State through Police Station Officer, Mandrup Police Station, District Solapur, |
| REPRESENTED BY | APP Mr. P. S. Jannu |
| ACCUSED | 1. Mohasin Akbar Husen Jahagirdar 2. Tabrej Akbar Husen Jahagirdar |
| REPRESENTED BY | Advocate Shri. M. A. Inamdar |

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|---------------------------|------------|
| Date of offence | 28/12/2024 |
| Date of FIR | 29/12/2024 |
| Date of Charge sheet | 07/06/2025 |
| Date of framing of charge | 27/01/2026 |

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|--------------------------------------|------------|
| Date of commencement of evidence | 12/02/2026 |
| Date on which Judgment is reserved | 13/03/2026 |
| Date of the Judgment | 13/03/2026 |
| Date of the sentencing order, if any | No. |

Details of the accused -

| Rank of the 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 under gone during trial for purpose of sec. 428, Cr.P.C. |
|---------------------|--|----------------|-----------------------------|---|--------------------------------|------------------|--|
| 1. | Mohasin Akbar Husen Jahagirdar, Age: 34 years, Occu. Agri. R/o. Muslim Pachha Peth, Telangi Pachha Peth, H.No.12A, Solapur | 29/12/2024 | Obtained anticipatory bail. | U/ss. 223, 274, 275, 123 r/w. Sec. 3(5) of B.N.S. and U/ss. 26(2)(i), (ii), 26(2)(iv), 27(3)(e), 30(2)(a) and Regulation of 3.1.7 r/w. 2.3.4 of Food Safety and Standards Act, 2006 | Acquitted | None | 00 days |
| 2. | Tabrej Akbar Husen Jahagirdar, Age: 32 years, R/o. H.No.12A, Telangi Pachha Peth, Muslim Pachha Peth, Solapur | 29/12/2024 | Obtained anticipatory bail. | U/ss. 223, 274, 275, 123 r/w. Sec. 3(5) of B.N.S. and U/ss. 26(2)(i), (ii), 26(2)(iv), 27(3)(e), 30(2)(a) and Regulation of 3.1.7 | Acquitted | None | 00 days |

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| | | | | r/w. 2.3.4 of Food Safety and Standards Act, 2006 | | | |
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List of the prosecution/Defence/Court witnesses.

A. Prosecution.

| Rank | Name | Exh. | Nature of Evidence |
|------|--------------------------|------|-----------------------|
| 1 | Majid Ahamad Shaikh | 10 | Informant |
| 2 | Ravindra Dashrath Chavan | 15 | Investigating Officer |

B. Defence Witnesses, if any.

| Rank | Name | Exh. | Nature of Evidence |
|-------------------------|------|------|--------------------|
| No. witness examined | Nil | Nil | Nil |

C. Court witnesses, if any

| Rank | Name | Exh. | Nature of Evidence |
|------------------------|------|------|--------------------|
| No witness examined | Nil | Nil | Nil |

List of prosecution / Defence / Court Exhibits.

A. Prosecution.

| Sr. No. | Exhibit No. | Description |
|---------|-------------|---|
| 1. | 11 | Report |
| 2. | 16 | Panchanama dated 28.12.2024 |
| 3. | 17, 18 | Arrest panchanama |
| 4. | 19 | Spot panchanama |
| 5. | 20 | Letter dated 18.02.2025 about sending seized samples to Food and Drugs Administration Laboratory. |

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|----|----|-------------------|
| 6. | 21 | Laboratory report |
|----|----|-------------------|

B. Defence. Documents / Exhibits admitted by Defence.

| Sr. No. | Exhibit No. | Description |
|---------|-------------|-------------|
| Nil | Nil | Nil |

C. Court Exhibits.

| Sr. No. | Exhibit No. | Description |
|---------|-------------|-------------|
| -- | -- | -- |

D. Material Objects

| Sr. No. | Exhibit No. | Description |
|---------|-------------|-------------|
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J U D G M E N T

(Pronounced on this 13th day of March, 2026)

1. The accused are prosecuted for the offence punishable under Sections 223, 274, 275, 123 r/w. Sec. 3(5) of B.N.S. and U/ss. 26(2)(i),(ii), 26(2)(iv), 27(3)(e), 30(2)(a) and Regulation of 3.1.7 r/w. 2.3.4 of Food Safety and Standards Act, 2006.

2. The brief facts of prosecution case are as under :

PC. Majid Ahamad Shaikh lodged report dated 29.12.2024. It is contended that from 9.00 p.m. of 28.12.2024 to 9.00 a.m. of 29.12.2024 the informant and other police staff had at Check Post duty at Takali. The secret information was received that there would be transportation of gutaka from Vijapur Karnataka to Solapur by blue colour Wagon R. Accordingly, two panchas were

called and barricading was done at the Check Post. After sometime one blue colour Wagon R vehicle arrived there. Said vehicle was stopped and informant enquired name with the driver. He stated his name as Mohsin Akbar. There was one more one person, he disclosed his name as Tabrej Akbar Jahagirdar. On further enquiry about the articles in the vehicle, they gave evasive answers. The informant suspected and opened the door of the car in presence of panchas and he found bags containing RMD, Vimal, Panmasala and scented tobacco. Those two persons alongwith the muddemal were brought at Police Station. It is alleged that the total contraband articles worth Rs.9,80,454/- was being transported for sell.

3. On the basis of report lodged by the informant C.R. No. 426/2024 was registered at Mandrup Police Station, District Solapur, for the offences under Sections 223, 274, 275, 123 r/w. Sec. 3(5) of B.N.S. and U/ss. 26(2)(i),(ii), 26(2)(iv), 27(3)(e), 30(2)(a) and Regulation of 3.1.7 r/w. 2.3.4 of Food Safety and Standards Act, 2006.

4. PSI Ravindra Dashrath Chavan (PW-2) conducted investigation of crime. He seized gutaka by drawing seizure panchanama (Exh.16). He arrested both accused vide arrest panchanama (Exh.17, 18). He prepared spot panchanama (Exh.19). He issued letter to Food and Drug Administration Laboratory (Exh.20) and obtained Laboratory report (Exh.21) and

after completion of investigation, he filed Charge Sheet against accused.

5. As the offence u/s. 123 of B.N.S. is exclusively triable by Sessions Court, vide order dated 27/11/2025 passed by Learned JMFC, (Court No.9), Solapur the case is committed to this Court.

6. On 27/01/2026, this Court framed charge (Exh.07) against the accused for the offences punishable under Sections 223, 274, 275, 123 r/w. Sec. 3(5) of B.N.S. and U/ss. 26(2)(i),(ii), 26(2)(iv), 27(3)(e), 30(2)(a) and Regulation of 3.1.7 r/w. 2.3.4 of Food Safety and Standards Act, 2006. The contents of the charge were read over and explained to them in vernacular to which they pleaded not guilty and claimed to be tried.

7. To prove the guilt of the accused, prosecution examined two witnesses. Informant P.C. Mr. Majid Ahamad Shaikh as (PW-1) at Exh.10 and investigating officer PSI Ravindra Dashrath Chavan as (PW-2) at Exh.15.

8. The prosecution also relied on documentary evidence such as, report (Exh.11), panchanama dated 28.12.2024 (Exh.16), arrest panchanama (Exhs.17, 18), spot panchanama (Exh.19), letter dated 18.02.2025 sent to Food and Drugs Administration Laboratory (Exh.20) and laboratory report (Exh.21). Prosecution

filed evidence close pursis Exh.22 and closed its evidence.

9. The statements of the accused u/s. 351 of Bhartiya Nagrik Suraksha Sanhita, 2023 came to be recorded vide Exh. 23 and 24. The defence of accused is of total denial. In rebuttal accused did not lead any evidence.

10. Heard learned APP Shri. P. S. Jannu, for the State and learned advocate Shri. M. A. Inamdar, for accused.

11. Following points arise for my determination to which I have recorded my findings for the reasons to follow :-

| <u>POINTS</u> | <u>FINDINGS</u> |
|--|-----------------|
| <p>1. Does prosecution prove that, on 28.12.2024 at about 22.05 hours, in the vicinity of village Nandani at RTO Check Post on a main road, near barricading, both accused found in possession of stupefying, intoxicating things for selling purpose, knowing it to be likely that they will thereby cause hurt to people at large or with intent to commit or facilitate the commission of offence and thereby committed an offence punishable u/s. 223 r/w. Sec. 3(5) of Bhartiya Nyaya Sanhita, 2023 ?</p> | <p>No.</p> |
| <p>2. Does prosecution further prove that, on the aforesaid date, time and place both</p> | |

- accused adulterated so as to make it noxious as food, with intention of selling such articles as food and thereby committed an offence punishable u/s. 274 r/w. Sec. 3(5) of Bhartiya Nyaya Sanhita, 2023 ? No.
3. Does prosecution further prove that, on the aforesaid date, time and place accused sold the said contraband articles which had become noxious as food knowing or having reason to believe that the same is noxious as food and thereby committed an offence punishable u/s. 275 r/w. Sec. 3(5) of Bharitya Nyaya Sanhita, 2023 ? No.
4. Does prosecution further prove that, on the aforesaid date, time and place accused knowing that by an order promulgated by Food Safety Commissioner, Maharashtra State a public servant lawfully empowered to promulgate prohibitory orders, they were directed to abstain from such order and you possessed in their possession, disobeyed such order which caused danger to human life or safety and thereby committed an offence punishable u/s. 123 r/w. Sec. 3(5) of the Bhartiya Nyaya Sanhita, 2023 ? No.
5. Does prosecution further prove that, on the aforesaid date, time and place, both accused sold and stored the above said contraband articles, which are unsafe

and misbranded or sub-standard or contained extraneous matter and which are for the time being prohibited by the Food Authority in the interest of public health and that you thereby committed an offence punishable u/s. 26(2)(i)(ii), 26(2)(iv), 27(3)(e), 30(2)(a) and Regulation of 3.1.7 r/w. 2.3.4 of Food Safety and Standards Act, 2006 ?

No

6. What Order?

As per final order

REASONS

POINT NOS. 1 TO 6 :

12. Learned APP Shri. P. S. Jannu, submitted that there is ample material against the accused persons and prayed for conviction of accused as per law.

13. The learned advocate Shri. M. A. Inamdar, for accused submitted that prosecution failed to prove the case beyond reasonable doubt and prayed for acquittal of the accused.

14. The informant P.C. Majid Ahamad Shaikh deposed that on 28.12.2024 he was having duty at Check Post. There was secret information about transportation of gutaka from Vijapur to Solapur by Wagon R vehicle. He stated that at about 9.45 to 10.00 p.m. one blue colour Wagon R was seen coming there. They stopped the vehicle. There were two persons in the said vehicle and there were

gunny bags kept in the vehicle. He stated that, on inspecting the vehicle there were bags full of Vimal, RMD, Goa and Rajnigandha. He stated that as it was highway panchanama could not be done. Thereafter, the panchanama in regard to seizure of gutaka was drawn in presence of panchas. He lodged report (11) for State on 29.12.2024. During cross examination he admitted that he had not made station diary entry in regard to informing Food Safety Officer. He admitted that present crime was lodged without obtaining permission as per the provisions of Food Safety Standards Act. He admitted that there was delay of 6 hours in lodging the report. He denied the suggestions put to him.

15. The prosecution examined Ravindra Dashrath Chavan. He stated that the investigation of said crime was handed over to him on 29.12.2024. He seized the gutaka by drawing panchanama (Exh.16) in presence of panchas and arrested both the accused by drawing arrest panchanama (Exh.17, 18). He stated that he informed at Food and Drugs Administration Office about seizure of gutaka and forwarded the sample to Forensic Lab. He stated that on 29.12.2024 he prepared spot panchanama in presence of two panchas. He further stated the chemical analysis report Exh.21 was received and after completion of investigation he filed the charge-sheet. During cross examination he admitted that there was independent eye witness and he recorded statements of all police witnesses. He admitted that during investigation no person was

found who sustained any harm on consumption of prohibited substance. He admitted that the seizure panchanama was drawn at Police Station.

16. Considering the evidence brought on record though informant stated about seizure of contraband substances from the accused persons, there is no corroborative evidence to the version of the informant in that regard. The investigating officer stated about drawing of seizure panchanama and spot panchanama. The prosecution had not examined panch witnesses. It is not the case of the prosecution that any poisonous substance or stupefying, intoxicating or unwholesome drugs was administered to any person with an intent to cause hurt. It is also not case of the prosecution that any article of food or drink adulterated by accused persons to make it noxious. There is no independent eye witness in regard to the allegations. The prosecution had not complied as per the provisions of Food Safety and Standards Act. The ingredients of alleged offences are not made out. There is no substantial and cogent evidence brought on record to prove the guilt of the accused for the charges levelled against them. Devoid of substantial and cogent evidence, the prosecution failed to prove the case against accused beyond reasonable doubt. Therefore, I answer point Nos. 1 to 5 in negative and point No. 6 accordingly. Hence, I proceed to pass the following order.

ORDER

1. The accused No.1 Mohasin Akbar Husen Jahagirdar and No.2 Tarbej Akbar Husen Jahagirdar are hereby acquitted under Section 258(1) of Bhartiya Nagrik Suraksha Sanhita, 2023 for the offences punishable under Sections 223, 274, 275, 123 r/w. Sec. 3(5) of B.N.S. and U/ss.26(2)(i),(ii), 26(2)(iv), 27(3)(e), 30(2)(a) and Regulation of 3.1.7 r/w. 2.3.4 of Food Safety and Standards Act, 2006
2. Their Bail bonds stands cancelled.
3. Accused shall furnish fresh PR bond and surety of Rs. 25,000/- each as per provisions of Section 481 Bhartiya Nagrik Suraksha Sanhita, 2023.

(Dictated and pronounced in open Court)

Date : 13/03/2026

(R. J. Katariya)
Additional Sessions Judge,
Solapur.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original Judgment/Order.

- (a) Name of the Stenographer : S.R.Kore, Stenographer G-1.
- (b) Court : R. J. Katariya,
District Judge – 1 & Addl.
Sessions Judge, Solapur.

- (c) Order signed by P.O. on : 13/03/2026
- (d) Order uploaded on : 13/03/2026