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**Part 'A'**

(Para 44(i) of Chapter VI of Criminal Manual)

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,  
SATARA AT : SATARA**

Present : Amit M. Shete,  
Additional Sessions Judge, Satara

(Date of Judgment : 06.03.2026)

**Sessions Case No. 80 / 2017, Exh.No. 58**

<b>Crime No.</b>	636/2013
<b>Sections</b>	Under Sections 54, 57, 58 and 59(1) of the Food Safety and Standards Act, 2006 and Sections 328, 272, 273 and 188 of the Indian Penal Code, 1860.
<b>Police Station</b>	Satara City Police Station
<b>COMPLAINANT</b>	Yogesh Hindurao Dhane the then Food Safety Officer, Satara
<b>REPRESENTED BY</b>	APP Sou S.A. Kshirsagar

<b>ACCUSED</b>	<b>Harishchandra Narendranath Mohanti</b> Age : 52 years, Occu. Betel shop R/o. : D/9-1, old M.I.D.C., Satara
<b>REPRESENTED BY</b>	Adv. Shri. D.S. Ghadage

### **Part "B"**

(Para 44(ii) of Chapter VI Criminal Manual)

Date of Offence	26.07.2013
Date of F.I.R.	26.07.2013
Date of Charge-sheet	03.02.2014
Date of framing of Charges	07.12.2019
Date of commencement of evidence	21.02.2024
Date of which Judgment is reserved	06.03.2026
Date of the Judgment	06.03.2026
Date of the Sentencing Order, if any	---

### **Accused details**

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 Undergone during Trial for purpose of Sec.428 of Cr.P.C.
1]	Harishchandra Narendranath Mohanti	Ant. bail granted nominal arrest on 07.12.2013	04.08.2015	Sec.59 of Food Safety & Standards Act, 2006 & Sec. 328, 272, 273 and 188 of IPC	Acquitted	--	--

**Part "C"**(Para 44(ii) of Chapter VI Criminal Manual)**LIST OF PROSECUTION/DEFENCE/COURT WITNESSES****A. Prosecution :**

RANK	NAME	EXH. No.	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW 1	Vijay Ramchandra Bhosale	27	Panch witness
PW 2	Jatin Mahendrabhai Patel	29	Panch witness
PW 3	Yogesh Hindurao Dhane	45	Raiding party member
PW 4	Dattatray Laxman Shinde	54	Investigating Officer

**B. Defence Witnesses, if any :**

RANK	NAME	EXH. No.	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW 1	---	---	---

**C. Court Witnesses, if any :**

RANK	NAME	EXH. No.	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW 1	---	---	---

**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS****A. Prosecution Exhibits :**

Sr.No.	Exhibit No.	Description
1	P-01/PW1	Seizure panchanama
2	P-02/PW2	Memorandum panchanama
3	P-46/PW3	Inspection report
4	P-47/PW3	Seizure panchanama dt.26.07.2013
5	P-48/PW3	Report dt.27.07.2013

**B. Defence Exhibits :**

Sr. No.	Exhibit No.	Description
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**C. Court Exhibits :**

Sr. No.	Exhibit No.	Description
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**D. Material Objects :-**

Sr. No.	Material Object No.	Description
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**JUDGMENT**

( Delivered on 06<sup>th</sup> day of March, 2026 )

1. The accused stands prosecuted for the offence of stalking, sale of prohibited food articles, scented tobacco which are unsafe and which are prohibited by Food Authority of the State Government in the interest of public health and the accused stalked it for sale with the knowledge of being illegally and possessed to be

taken/chewed by people knowing it to be likely that on administration by sale, accused will have caused hurt to the people, for the above noted offences.

2. Brief facts of the prosecution case are as follows :

The informant Yogesh Dhane was the then Food Safety Officer. On 26.07.2013, he received secret information from the informer that in a shop namely "Mrs. Mohanti Pan Stores" have its godown at MIDC, Satara. The scented tobacco, scented betel-nuts and tobacco products are stored for selling. Accordingly, he and his team along with panchas went at the spot i.e. godown and took inspection. It was revealed that the accused Harishchandra Mohanti is the owner of said godown. It was noticed that he has made stock of contraband articles such as scented tobacco, scented betel-nuts, etc. Thereafter, the informant took out the samples and carried out inquiry and thereafter, lodged the report on 27.07.2013.

3. On the basis of said report, crime vide C.R.No. 636/2013 for the noted offences was registered with Satara city Police Station. The I.O. carried out investigation and filed the charge-sheet.

4. The charge (Exh.15) was framed against the accused to which he pleaded not guilty (Exh.16) and claimed to be tried. The prosecution examined in all four witnesses and placed reliance on documentary evidence. On the basis of available evidence, the

accused was called upon as per Section 313(5) of Cr.P.C. (351 (5) of BNSS). The accused thereafter, confronted with the statement to which he raised no objection. The defence of the accused is of total denial and false implication. The defence chose not to lead any evidence.

5. Heard both sides. Gone through the evidence and documents on record. Following points arose for my determination and the same are answered accordingly for the reasons noted thereunder:-

Sr. No.	Points	Findings
	Does prosecution prove that on 26.07.2013 at about 4:00 p.m., at village Dhangarwadi, Tal. & Dist. Satara, near Plot No. D-9/1 Old MIDC in Betel Shop namely "M/s. Mahanti Pan Stores" of accused ;-	
1.	accused being food business operator was found in stock for the purpose of sell of food articles mentioned in Memorandum Panchnama i.e. flavored tobaccos, betel nuts and tobacco, which are unsafe and which are prohibited by Food authority of the State Government for the period of 1 year starting from 20.07.2013 in the interest of Public Health and that accused has received such stock for sale with the knowledge of being unsafe and as such committed breach of provisions of Sections 26(2)	..In the negative.

	(i), 26(2) (iv) r/w. 27(3) of Food Safety and Standards Act, 2006 and Rule Nos. 2, 3, 4 of Food Safety and Standards (Prohibition and Restriction on Sales) Regulation 2011 and also in breach of Rule 3, 1, 7 of Food Safety and Standards Act (Food Production Standards and Food Additives Regulations 2011) in respect of aforesaid Article Food contents the anti-caking agents such as Carbonates, Phosphates and silicates of Calcium and Magnesium as food additives and thereby committed an offences punishable under Sections 54, 57, 58 and 59(1) of the Food Safety and Standards Act, 2006 ?	
2.	in the course of same transaction accused was selling injurious substance i.e. flavored tobacco, betel-nuts and tobacco illegally to be taken / chewed by people, a certain stupefying above named articles knowing it to be likely that on administration by sale he will thereby cause hurt to the people ?	..In the negative.
3.	in the course of same transaction the accused in spite of restriction on the sale of flavored tobacco, betel-nuts and tobacco as mentioned in FIR & memorandum/panchanama possessed and kept the same in his shop knowing it to be likely that the same would be sold as food ?	..In the negative.

4.	in the course of same transaction accused in spite of restriction on sale of flavored tobacco, betel-nuts and tobacco as mentioned in memorandum/ panchanama & in FIR directly or indirectly sold the same to the public as food or chewing substance which had been rendered or had become noxious or was in a state unfit for food or chewing knowing that, the same was noxious as food/drink ?	..In the negative.
5.	in the course of same transaction the accused knowing that order of restriction on sale i.e. flavoured tobaccos, betel nuts and tobacco as mentioned in the Memorandum panchanama promulgated by Food Safety Commissioner, Food and Drugs Administrator, Maharashtra, who was lawfully empowered to promulgate such order, committed aforesaid offences by disobeying the order of Food Safety Commissioner ?	..In the negative.
6.	What order ?	As per final order

### REASONS

#### As to point Nos.1 to 6 :

6. The PW 1 Vijay Bhosale (Exh.27) is a panch witness. As per his evidence, on 21.10.2013, he was called by office of Food Safety for destroying seized contraband articles which were

accumulated 2-3 months prior to 21.10.2013. In the cross examination, accused brought on record that the panch witness was not aware as to whether contraband articles were seized from present accused or not. Thus, the evidence of this witness goes to show that in his presence, the Food Safety Officer destroyed the contraband articles however, there is no bearing of his evidence on present charges for want of specific identification of contraband so burned.

7. The PW 2 Jatin Patel (Exh.29) is a panch witness. In his presence, on 26.07.2013, the inspection of godown was taken however, the witness failed to support the prosecution.

8. The PW 3 Yogesh Dhane (Exh.45) is the informant. He has deposed about visit to the godown of the accused on 26.07.2013 and about finding storage of contraband articles. He has found 45 types of different contraband articles which were banned as per Notification dt.11.07.2013. The witness proved inspection of shop (Exh.46), seizure panchanama of those contraband articles (Exh.47) and finally proved the report (Exh.48). His evidence discloses that on 16.08.2013, he forwarded proposal to the Designated Officer and Assistant Commissioner (Food) for disposal of seized articles on which the disposal order was passed on 14.10.2013. Thereafter, on 06.02.2014, he forwarded proposal seeking permission to lodge

report. On 09.04.2014, he received permission and thereafter, he lodged report.

9. During the cross examination, the informant admitted that he has not collected any title document on which basis the accused can be said to be a owner of the godown / shop. He has not obtained signature of accused on any document nor he made any endorsement on any document in order to show that the accused was read over the documents so prepared during the inspection. In evidence, the witness deposed that he has done sampling inspection and identification of food articles due to which, the samples were not collected and sent to FSL.

10. The evidence goes to show that the informant has failed to take samples of 45 different types of contraband articles and sent it to FSL for examination. Thus, there is no Expert report thereby giving opinion on the articles found stocked in godown or shop of the accused. That apart, there is no title document so as to say that the accused has in fact made stock of contraband articles in his godown or shop. In first place, there is no document and / or Expert opinion about the stock being contraband articles due to which, a reasonable doubt raises regarding the prosecution version.

11. The PW 4 Dattatray Shinde (Exh.54) was the then P.S.I. attached with Satara MIDC police station. He carried out

investigation of present crime. He had not come across the seized contraband articles as those were already destroyed. The evidence of this witness shows that he had made inquiry with the accused and filed the charge sheet which is ministerial act.

12. As against the oral evidence, the prosecution further relied upon the documentary evidence i.e. panchanama dt.21.10.2013 (Exh.P1/PW1), memorandum panchanama dt.26.07.2013 (Exh.P2/PW2), inspection reports dt.26.07.2013 (Exh.P3/PW2 and Exh.46), memorandum panchanama dt.26.07.2013 (Exh.47) and report (Exh.48).

13. As per the panchanama (P1), on 21.10.2013, the accumulated contraband articles were destroyed. As per memorandum panchanama (P2 and Exh.47), the contraband articles were found in the godown of accused. As per the inspection report (P3 and Exh.46), the stock of 45 different types of contraband articles were found in the godown.

14. The documentary evidence referred above indicates that the informant and his raiding team effected raid on godown situated in MIDC, Satara and found 45 different types of contraband articles which includes scented tobacco, scented betel-nuts, etc. The informant, on his own verified the articles as contraband and noxious to public health however, there is no document on record to show

that the informant was and is expertise in the said field. That apart, there is no report thereby fortifying that the seized articles were contraband articles and therefore, in absence of any sampling and its expert report, it is not safe to hold the accused guilty of the offences. That apart, there is no title document nor the statement of any witness who can even suggest that the accused was having actual control over the said godown containing stock of so called contraband articles. In absence of basic evidence, it is hard to convict the accused. Thus, the evidence on record is very short so as to say that the prosecution succeeded in discharging their burden of proving the offence beyond all reasonable doubts. Thus, the accused is entitled for benefit of doubt and hence, I answer the points in the negative and pass the following order.

### **ORDER**

- 1 Accused Harishchandra Narendranath Mohanti is hereby acquitted under section 235(1) of Cr.P.C. for the offence punishable under section 26(2)(i), 26(2)(iv) r/w 27(3)(e) and 30(2)(a) of Food Safety and Standards Act, 2006 and Rule No. 2, 3, 4 of Food Safety & Standards (Prohibition and Restriction on Sales) Regulation 2011 and also in breach of Rule 3, 1, 7 of Food Safety and Standards Act (Food Production Standards and Food Additives Regulations 2011) and Sections 54, 57, 58 and 59(1) of the Food Safety and

Standards Act, 2006 and Section 328, 272, 273, 188 of the Indian Penal Code, 1860.

- 2 His bail bond stands cancelled and surety stands discharged.
- 3 The accused is directed to furnish surety of Rs.15,000/-, in compliance of Section 437-A of the Code of Criminal Procedure within one month from today.

(Dictated and declared in open Court)

**Satara.**  
**dt.: 06.03.2026**

**(Amit M. Shete)**  
**Addl. Sessions Judge, Satara**