

MHWS010004132023	Received on : 03/03/2023
	Registered on : 04/03/2023
	Decided on : 11/05/2026
	Duration : 03Y 02M 08D

IN THE COURT OF
ADDITIONAL SESSIONS JUDGE, WASHIM.
(Presided over by Smt. V.D.Ingle)

Cri.Rev.Appln.No.8/2023

Exh.10

APPLICANT (Ori. Accused No.2)	Ashfak Ahemad Popate, Age: 38 Yrs. Occu.- Business, R/o. Madina nagar, Manora, Post, Tq.Manora, Dist. Washim.
	...Versus...
NON APPLICANT (Ori. complainant)	State of Maharashtra, Through, Rajesh Baliram Yadav, Food Safety Officer, Food and Drug Administration, Akola, Tq.Dist. Akola, Maharashtra State,
<u>REVISION PETITION UNDER SECTION 397 AND 399</u> <u>OF CRIMINAL PROCEDURE CODE.</u>	
Appearance:- Adv. T.A. Khan Patel for applicant. APP D.G.Gangavane for State.	

J U D G M E N T
(Delivered on 11th day of May, 2026)

Being aggrieved by the order passed by Chief Judicial
Magistrate, Washim in RCC No.75/2016, State v. Abdul Rajik+1,

dated 07/02/2023, thereby rejecting the application (Exh.35) of the applicant for discharge him from the case, the applicant filed present Criminal Revision Application under Section 397 read with Section 399 of the Code of Criminal Procedure by setting aside the order passed by the learned Chief Judicial Magistrate, Washim.

2. It is the case of the applicant that applicant Ashfak Ahemad Popate who is accused no.2 in RCC No.75/2016 filed application Exh.35 to discharge him from the case. Accused submitted that already accused was prosecuted on the report of police station, Mangrulpir on 30/01/2025 under section 188 read with section 34 of the Indian Penal Code and 59(3) of Food Safety and Standards Act, 2006. Accused had given the application for discharge and accused was discharged from the Court of Mangrulpir. From the same incident complainant has filed this complaint against this accused, therefore, this complaint is not tenable. He has also submitted that there is no evidence against accused no.2 i.e. applicant to show that he has committed the offence. Therefore, prayed to discharge him from this offence.

3. The learned APP filed say and submitted that accused no.1 was found in possession of prohibited food articles and selling which are supplied by accused no.2. The grounds regarding discharge in this application is not suffice to allow this application. It reveals that Judicial magistrate First Class, Mangrulpir was of the opinion that the police officer does not have any power to investigate the matter in respect of prohibited food articles in view

of provision under section Food Safety and Standards Act, 2006. Therefore, for want of complaint under section 2(d) of Criminal Procedure Code, the Court discharged the accused. Therefore, this application is not tenable. Hence, prayed to reject the application.

4. It is pertinent to note that since long back, the applicants are absent. On 08/04/2026 applicant and his learned advocate appeared and filed application for time to argument. Thereafter, on 22/04/2026, neither applicant nor his learned advocate appeared before the Court for argument, hence, order passed to that effect and matter kept for order without argument of applicant. Hence, matter is being decided on merit.

5. Perused petition. Following points arise for determination and I have recorded my findings thereon for the reasons followed thereafter :

Sr.No.	Points	Findings
1.	Whether the impugned order is illegal and perverse ?	No.
2.	Whether the impugned order warrants interference ?	No.
3.	What order ?	As per final order.

REASONS

Point No.1 to 3 :

6. After going through the record it appears that in this

matter, Food Safety Officer has filed this complaint which is tenable. So also, it appears that there is sufficient evidence against accused no.2/applicant. So also, it appears that applicant is involving in this crime. In the complaint, it is mentioned that that accused no.1 and 2 were stocking and selling the prohibited food articles and thus, committed offence punishable under section 59 of the Food Safety and Standard Act, 2006 and the stock was supplied by the accused no.2. It shows that prima facie evidence is against the accused no.2/ applicant. Hence, it appears that learned trial Court passed proper order. The order of learned trial Court therefore, cannot be said to be illegal and perverse and hence, I find no reason to interfere with the order of learned trial Court. Therefore, I hold that revision petition is devoid of merits and is liable to be dismissed. Hence, I answer point No.1 and 2 in the negative and in answer to point No.3, following order is passed.

ORDER

1)	Criminal Revision Application No.8/2023 stands dismissed.
2)	Proceeding is closed.
3)	Inform Trial Court accordingly.
	(Dictated and pronounced in open Court)

Date : 11/05/2026

(V.D.Ingle)
Additional Sessions Judge,
Washim.

Judgment.

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CERTIFICATE

I affirm that the contents of this P.D.F file Judgment/
Order are same word to word, as per the original judgment/order.

Name of Stenographer :- R.R.Bharad, Stenographer (Grade-I)

Name of Court :- Smt.VD.Ingle
District Judge-2 and Additional
Sessions Judge, Washim.

Date of Judgment/ Order :- 11/05/2026

Judgment/Order signed by :- 11/05/2026
the Presiding Officer on

Judgment/Order uploaded on :- 11/05/2026