



Received as Criminal Revision on	02/12/2020
Re-Registered as Criminal Appeal on	20/09/2025
Decided on	02/05/2026
Duration	05 Y. 05 M. 00 D.

IN THE COURT OF SESSIONS JUDGE, WASHIM.
[Presided over by Anil Subramaniam]

Criminal Appeal No. 24/2025

(Old Criminal Revision No. 27/2020)

Exh. No. 17

CNR No. MHWS010008832025

Sayed Akhtar Ali Sayed Nijaz Ali, Aged about 32 years, Occu. Business, R/o. Kazi Pura, Ward No. 6, Shirpur (Jain), Tq. Malegaon, Dist. Washim.	... Appellant
<u>V E R S U S</u>	
State of Maharashtra, Through District Collector, Washim, Dist. Washim.	... Respondent

APPEAL UNDER SECTION 397 R/W SECTION 399 OF CR. P. C.

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Appearance :-

Mr. Z. G. Shaikh, Advocate for appellant.

Mr. A. R. Vyawahare, APP for respondent.

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J U D G M E N T

(Dated 02/05/2026)

1. By the present appeal, the appellant is challenging the order passed by the Ld. Collector dated 19/10/2020 of confiscation of alleged food grains namely rice.
2. It is the case of the prosecution that the complaint was received of illegal dealing with food grains and accordingly, raid was conducted and

around 603 bags of rice were found and same were seized. Proceedings under Essential Commodities Act (EC Act) came to be initiated before the Ld. Collector.

3. After hearing both the sides, the Ld. Collector directed the disbursement of the said food grains and to keep balance costs of the said food grains of Rs. 8,09,225/- and the said food grains and the said amount be disbursed after decision of the Court in the said criminal case. Hence, the present appeal.
4. Heard both sides. Considered the submissions advanced. Following points arise for my consideration and I answer the same as under for the reasons stated hereinafter.

Sr. No.	Points	Findings
1]	Whether the impugned order requires any interference ?	... In the partly affirmative.
2]	What order ?	... As per final order.

REASONS

As to Point No. 1 :-

5. It is to be noted that the said order does not identify any control order nor any breach or limitation were imposed. It may be the question for trial. The Ld. Collector has held that the amount will be payable subject to decision of the Ld. Magistrate or subject to decision of the trial. Considering the same that this property has now become part of trial, the applicant will be entitled to pray for such relief before the Ld. Magistrate. Even on the face of the order of the confiscation, concerned authority has not confiscated the said food grains.
6. Section 6(A) of EC Act contemplates that if there is contravention of the order where the prosecution is instituted or not, the Collector is

empowered to confiscate essential commodities. Section 6(A)(3) contemplates that the amount where no order or confiscation is ultimately passed by the Collector or where the person is acquitted, the amount shall be paid to the owner thereof or the person from whom it is seized.

7. It appears that as a interim measure, food grains are so disbursed or disposed off. As pointed out above, there is no confiscation but the amount is transferred for judicial adjudication. In such circumstances, as there is no confiscation by exercising powers under Section 6(A)(3)(i) of EC Act, nothing survives in this appeal. Suffice to say that, the applicant shall have right to claim the property from the Ld. Magistrate under whose control, the amount now lies in view of the impugned order of the Ld. Collector. Hence, I pass the following order -

ORDER

- 1) The appeal is partly allowed.
- 2) The applicant shall be entitled to apply to the Ld. Magistrate, if he so desire for return of the amount, if any, which the Magistrate shall decide as per Law.
- 3) It is clarified that there is no such confiscation passed by the Ld. Collector and the issue is kept open for the Ld. Collector without adjudicating upon the same.
- 4) Inform to the Ld. Trial Court, accordingly.
- 5) R & P be returned to the trial Court as per rules.
- 6) No order as to costs.
- 7) Criminal Appeal No. 24/2025 stands disposed off.

Date:- 02/05/2026.

(Anil Subramaniam)
Sessions Judge, Washim.

CERTIFICATE

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

Name of Stenographer	:	A. W. Ajmire, Steno (Grade II)
Court Name	:	Principal District & Sessions Judge, Washim.
Date of order/Judgment	:	02/05/2026
Judgment Dictated on	:	02/05/2026
Order/Judgment signed by Presiding Officer on	:	02/05/2026
Order/Judgment uploaded on	:	02/05/2026