

S.S.Kilaje

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 365 OF 2019**

Prakash Shivchand Jakhete

... Applicant

Versus

The State of Maharashtra

... Respondent

Ms. Anjali Anil Nimbkar i/b. Mr. Shreyansh Mithare, Advocate for the Applicants in both the matters.

Smt. Ranjana D. Humane, APP for the Respondent-State.

Ms. Payal Pardeshi, PSI, EOW, Mumbai, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 8th APRIL, 2026.

P.C. :

1. The challenge in this revision application is impugned order dated 06.06.2019 passed below Exhibit-21 by the learned Special Judge (E.C.Act), Greater Mumbai in ECA Special Case No. 2 of 2016, whereby the learned Judge has rejected discharge application of the applicant.

2. It is prosecution's case that on 18.09.1996, the informant i.e. police officer, Crime Branch Control, Economic Offencer Wing, Mumbai visited the office of accused No.1 company i.e. M/s. Progressive Petroleum Company, (for short "said company"), which was situated at Vashi, Navi Mumbai and found that the office was closed. Therefore, the officials made further enquiry with regard to the same and found that the said

S.S.Kilaje

company was operating from its new address situated at Mithagarh, Wadala, Mumbai since past one year. The officials therefore visited the said Wadala office on 28.09.1996 and found applicant Prakash Jakhete on the spot. The officers asked the applicant to produce stock register, which was not available. Therefore, they obtained purchase / sale register and bills which revealed that the said company was conducting business at Wadala without the grant of licence. Thereafter, a case was registered with the Economic Offences Wing, Mumbai under Sections 3,7 and 8 of Essential Commodities Act, 1955 against the applicant and co-accused. It is alleged that the applicant was one of the Directors of said company. The applicant preferred discharge application before the learned Special Judge (E.C.Act), Greater Mumbai, seeking discharge from the case. The learned Judge has rejected the application against the said impugned order, hence the present revision application.

3. It is contention of learned counsel for the applicant that the said company had regularly submitted the periodical reports of consumption, sale stock of kerosene with Deputy Collector, so there is no question of illegality or breach of law committed by the applicant. Learned counsel further submitted that the Investigating Officer has checked entire stock-book of the said company and has not found any misappropriation / irregularities in respect of transactions of said company. No evidence

S.S.Kilaje

produced on record to show that the applicant was doing business from the new premises. Therefore, in absence of any evidence, the case does not falls within the alleged sections. There is not any incriminating material against the applicant on record in order to charge him or prove his involvement in day-to-day transactions of the said company. But this fact has not been considered by the learned Special Judge and has passed impugned order, which is erroneous and requested to allow the application.

4. It is contention of learned SPP that informant Kishor Ugade visited the office of accused No.1 company, but it was found to be closed. It was revealed that the said company was closed since last one year and it was operating from Wadala. Therefore, on 28.09.1996, the informant visited the said spot, at that time, applicant Prakash Jakhete was present in the said office and he was running the business of Kerosene. On enquiry about the stock register, it was disclosed that it was not available. The applicant produced sale register and bills. Thus, it was revealed that the accused No.1 company had conducted business from the place situated at Wadala, Mumbai, for which licence was not granted. Learned SPP further submitted that the applicant was Director of accused No.1 company. He further submitted that panchanama was prepared in presence of panchas. The statement of owner of the premises, witness Sani Leonva and officers

S.S.Kilaje

from Rationing Office are recorded. The statement of witness Sani Leonva shows that he had given the said shop on leave and licence basis to the applicant and co-accused. The learned Special Judge has passed a well-reasoned order. No interference is required in it and requested to reject the application.

5. I have heard both the learned counsel. Perused impugned order.

6. It is prosecution's case that applicant was running M/s.Progressive Petroleum Company from a place other than their address where they were authorized to run business. The statement of land owner witness Sani Leonva shows that he had given ground floor premises on leave and licence agreement to accused No.1 company for a period of 11 months at a rent of Rs.5,000/- p.m. In his statement, he has further stated that the signboard of M/s.Progressive Petroleum Company was affixed on the shop and applicant and co-accused were frequently working from there. It is contention of learned counsel for the applicant that the Sessions Court has observed in its order that there is no documentary evidence showing that applicant was involved in the day to day transactions of the said company and no leave and licence agreement is produced on record to show that the shop premises was rented to the accused No.1 Company. In my view, the spot panchanama dated 30.10.1996 of the shop, prepared in

S.S.Kilaje

presence of panchas, shows that business of accused No.1 company was carried out from the said address and statement of Sani Leonva supports it. There is sufficient material against the applicant to go on for trial. The applicant in his application admits that he was one of the Directors of said company. In view of above, I pass following order:

ORDER

- (i) The application is rejected.

(SHIVKUMAR DIGE, J.)

Digitally signed
by SONALI
SATISH
KILAJE
Date: 2026.04.21
17:54:30
+0700