

Amberkar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**

**CRI. REVISION APPLICATION NO. 550 OF 2024**

M/s. J.A. Trading

.. Applicant

**Versus**

The Controller of Rationing and Director of Civil  
Supplies, Mumbai & Anr.

.. Respondents

.....

- Ms. Sejal Dinesh Jain i/by Mr. Amin Solkar for Applicant
- Ms. Sangita Phad, APP for State

.....

**CORAM : MILIND N. JADHAV, J.**

**DATE : OCTOBER 11, 2024**

**P. C.:**

**1.** Heard Mr. Jain, learned Advocate for Applicant and Ms. Phad, learned APP for State.

**2.** Present Revision Application is directed against the judgment dated 02.09.2024 passed by learned Additional Sessions Judge at Belapur, Dist. Thane in Criminal Appeal No. 56/2024 filed under Section 6(c) of the Essential Commodities Act, 1955 against the order dated 25.01.2024 passed by Respondent No. 1 i.e. the Controller of Rationing and Director of Civil Supplies, Mumbai.

**3.** A container truck containing hydrocarbon oil belonging to Revision Applicant has been confiscated pursuant to the raid effected by API i.e. Asst. Police Inspector of Turbhe Police Station on 20.07.2023. Proceedings before the Controller of Rationing

culminated into the order of confiscation dated 25.01.2024 pursuant to which Appeal has been culminated into the impugned judgment dated 02.09.2024. Since July 2023, goods and the container truck remained seized.

4. Ms. Jain would draw my attention to the impugned judgment and would persuade me to consider the issue of jurisdiction and power of the concerned API to confiscate the goods since according to Revision Applicant, Asst. Police Inspector falls in the category of 'Class B'. She would submit that as per the order issued by Ministry of Petroleum and Natural Gas, New Delhi dated 19.12.2005, the power of search and seizure in respect of motor spirit and high speed diesel are given to any gazetted officer of the Central Government or State Government or any police officer not below the rank of Deputy Superintendent of Police duly authorized by general or special order of Central Government or State Government, as the case may be. She would submit that the timeline in the present case is prejudicial to the interest of the Appellant who is into trade and business. She would specifically draw my attention to the findings returned in the impugned judgment and would submit that despite the Appellant having produced the appropriate and necessary tax invoices with respect to the high speed diesel contained in the container truck before the Authorities, it is presumed that the seized high speed diesel oil was

being carried out by the Appellant for the purpose of theft or smuggling.

5. I have perused the impugned judgment dated 02.09.2024. Undoubtedly, Appellant is severally prejudiced as for the past 15 months, its goods have been detained. In that view of the matter, present Revision Application deserves immediate interference and hearing by this Court. Hence, issue notice to Respondents returnable on 23.10.2024. Humdast permitted. In addition thereto, learned Advocate for Applicant is directed to serve Respondents along with copy of this order by any permissible mode of service and file affidavit of service to that effect. After due service, Respondents are directed to put their appearance on the next adjourned date failing which this Appeal shall be heard and decided in accordance with law. It is made clear that present Revision Application shall be decided at the time of admission itself. Hence, I expect and direct Respondents to file their reply to the Application which shall be done on or before 23.10.2024.

6. Stand over to **23rd October, 2024.**

Amberkar

[ MILIND N. JADHAV, J. ]

RAVINDRA  
MOHAN  
AMBERKAR  
Digitally signed  
by RAVINDRA  
MOHAN  
AMBERKAR  
Date:  
2024.10.11  
14:36:02 +0530