

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3080 OF 2005

Prakash Rajaram Guttedar ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr.V.V.Purwant for Applicant.

Mr.S.S.Tatkare, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

(VACATION JUDGE)

MAY 31, 2005.

P.C.

1. Heard Counsel for the parties.

2. Prima facie, I see substance in the argument canvassed by the Applicant that the offence for which Applicant is proceeded, is one under Section 420 of the Indian Penal Code being non-bailable offence, in addition to offences under provisions of Food Adulteration Act. However, the material so far collected against the Applicant is

that he indulged in supplying material for the purpose of manufacturing of illicit taddy. There is no charge of criminal conspiracy, so as to involve the Applicant in the commission of the crime. The charge is one under Section 34 of the Indian Penal Code. If it is so, for the present, there is no clear material about Applicant being involved in offence under Section 420 as such.

3. In the circumstances, this Application is disposed of with direction to the Investigating Officer to give 72 hours advance notice to the Applicant, in case, further material is collected during the course of investigation and charge is appropriately modified, so as to indicate complicity of the Applicant in the alleged offence.

4. In the meantime, Applicant shall regularly report to the Investigating Officer as and when called upon and co-operate for the purpose of investigation of the criminal case pending against him.

A.M.KHANWILKAR, J.