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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 CRIMINAL REVISION APPLICATION NO. 279 OF 2019

VILAS S/O. BHASKAR DARADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA
WITH
CRIMINAL APPLICATION NO. 2701 OF 2019
IN REVN/279/2019

VILAS S/O. BHASKAR DARADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

Mr.V.A.Dhakne, Advocate for the Applicants.
Mr.A.A.A.Khan, APP for the Respondent/State.

(CORAM : SUSHIL M. GHODESWAR, J.)

DATE : 1st SEPTEMBER, 2026

PER COURT :

1. Heard the learned Advocate for the Applicants and the learned APP for State.

2. The Applicants are challenging the order passed by the learned Sessions Judge wherein the learned Sessions Court was pleased to maintain the conviction, however, released the Applicants by giving the benefit of Probation of Offenders Act. According to the learned

Advocate for the Applicants, the learned Sessions Court as well as the Trial Court has not considered the evidence in proper perspective. He submits that the prosecution tries to justify its case on the basis of testimony of witnesses, who have not corroborated to each other. He, therefore, submits that by going through the evidence brought before the Trial Court, the conviction cannot be based. As such, the Trial Court as well as the Appellate Court were required to acquit the Applicants. He further submits that the learned Courts below have given weightage to the irrelevant material and failed to consider that the prosecution has not proved its case beyond reasonable doubt.

3. Per contra, the learned APP strongly opposed the revision application. According to him, the evidence brought before the Trial Court is sufficient to convict the Applicants for the offences as charged against them. He submits that the order passed by the learned Sub Ordinate Courts is correct and proper and requires no interference. He, therefore, prays for dismissal of the Criminal Revision Application.

4. After hearing the learned Advocates for the parties, it reveals that the case of the prosecution based upon the report lodged by

the PI Ramakant Dhondiba Panchal on the ground that P.W.No.1 Anandrao Khade and P.W.No.5 Raju Gulab Desai went to execute the NBW issued against Applicant No.7 namely Bhaskar Darade. At that time, the Applicants have formed the unlawful assembly, have assaulted P.W.Nos.1 and 5 and also prevented the public servants from performing official duty. On the basis of the complaint, the Applicants came to be prosecuted for the offences charged against them.

5. During the course of evidence, the prosecution has examined in all 7 witnesses. P.W.No.1 Anandrao Khade and P.W.No.5 Raju Gulab Desai turned hostile, P.W.No.2 Ramhari panch witness also turned hostile. The prosecution sought to prove his case on the basis of evidence of PI. In that view of the matter, since the independent witnesses have turned hostile, the conviction cannot be based merely on the basis of evidence of Police Constable, who was alongwith the team to execute NBW against accused No.7. Both the orders passed by the learned Sub-ordinate Courts have been perused. It discloses non consideration of evidence in proper perspective. The evidence is not sufficient to base conviction of all the accused persons.

6. In that view of the matter, the conviction order passed by the Trial Court as well as the Appellate Court deserves to be quashed and set aside. Hence, I pass the following order :-

Criminal Revision Application is allowed. The Applicants are acquitted from all the offence levelled against them.

In view of order passed above, Cri.Application No.2701/2019 does not survive, hence also disposed of.

(SUSHIL M. GHODESWAR, J.)