

S.S.Kilaje

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

CRIMINAL REVISION APPLICATION NO. 449 OF 2025

Irshad Ikbal Inamdar

...Applicant

VERSUS

The State Of Maharashtra

...Respondent

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Mr. Rajendra Bidkar, Advocate for Applicant.

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

CORAM : SHIVKUMAR DIGE, J.

DATE : 20th AUGUST, 2026.

P.C. :

1. The challenge in this application is to the impugned order dated 08.09.2025 passed below Exhibit-16 by the learned Additional Sessions Judge, Bhiwandi, whereby the discharge application of the applicant is rejected.

2. It is prosecution's case that, on the basis of source information, police conducted raid at the house of co-accused Kamal Hasan Raza Ansari and in the said raid, three gunny bags consisting Ganja, weighing 74.672 kg, were found. It is alleged that the said Ganja was carried to the house of the co-accused in the auto rickshaw of the applicant and the applicant was in continuous contact with the co-accused.

3. It is contention of learned counsel for the applicant that the

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applicant has been falsely implicated in this case. Accused No.1 is the brother-in-law of the applicant, whereas accused No.2 is the mother-in-law of the applicant. It is submitted that the calls exchanged between the applicant and co-accused were on account of their familiar relationship. Though, prosecutions alleges that Ganja was carried in auto rickshaw of the applicant, no evidence has been produced on record to show that the applicant owned or possessed the auto rickshaw. Except call records, no other evidence has been on record to connect the applicant with the present crime. There is no case made out against the applicant, but this fact is not considered by the learned Sessions Judge and has passed an erroneous order and requested to allow the application.

4. It is contention of learned APP that the Ganja seized from the house of the co-accused was carried in the auto rickshaw of the applicant. The applicant had conversations with the co-accused. The call records produced on record show that the applicant was in contact with the co-accused. The panchanama shows that the Ganja was carried in the auto rickshaw of the applicant. The applicant has antecedent of similar nature. There is prima facie case against the applicant. The learned Sessions 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 chargesheet

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and documents produced on record. The allegations against the applicant are that the seized contraband was carried in the auto rickshaw of the applicant, but the said auto rickshaw has not been seized by the police nor registration number of the alleged auto rickshaw is mentioned in the chargesheet. No document has been produced on record to show that the applicant owned or possessed any auto rickshaw. The co-accused are the relatives of the applicant. Mere call records with the relatives cannot connect the applicant with the present crime. As there is no evidence on record to establish that the applicant owned or possessed any auto rickshaw or said auto rickshaw has not been seized. No prima facie case is made out against the applicant. However, this fact is not considered by the learned Sessions Court. In absence of sufficient evidence connecting the applicant with the alleged crime, continuation of trial against him would amount to be an abuse of process of law and I pass following order.

ORDER

- (i) The Revision Application is allowed and disposed of.
- (ii) The applicant is discharged in Special Case No. 438 of 2022 arising out of C.R.No. 866 of 2021.

(SHIVKUMAR DIGE, J.)