

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

CRIMINAL APPLICATION NO. 3106 OF 2015

BABURAO BAJIRAO JADHAV
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr.Salunke Sudarshan J
APP for Respondents/State: Mr.A.V. Deshumukh.

...

CORAM : S.S. SHINDE & A.I.S. CHEEMA, JJ.

Dated: JUNE 24, 2015

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Heard.

2 This application has been filed praying therein to quash FIR No.81/2015 registered at Police Station, Majalgaon (Rural), Dist. Beed dated 5.6.2015.

3 We have carefully perused the allegations in the FIR. *Prima facie*, it appears that huge quantity of sand of Rs.1401000/- was stored. We did make a pointed query to the Counsel for the applicant as to how this huge quantity of sand came to be stored in possession of the applicant, he invited

our attention to the receipts at Exh.G from pages 45 to 54 of the compilation and submitted that the said quantity was stored so as to construct agricultural water tank. He invited our attention to copy of the work order issued in favour of the applicant. However, upon careful perusal of the copies of the receipts produced on record, it appears that there are ten receipts and each receipt finds a mention of 2 Brass of sand. Therefore, if the entire purchase of sand is calculated, it comes to 20 Brass. Learned Counsel for the applicant submitted that the applicant is in possession of 31 receipts. However, only ten receipts are produced on record. Assuming without admitting that the applicant possesses 31 receipts for purchase of sand, total quantity would come to 62 Brass. However, in the FIR, total sand of about 467 Brass is alleged to have been unauthorizedly stored. Therefore, for the aforesaid reasons, the allegations in the FIR need investigation.

4 In that view of the matter, application deserves no consideration and the same stands rejected.

(A.I.S. CHEEMA, J)

(S.S. SHINDE, J)