

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

Criminal Revision Application No.192 Of 2014.

Sanjay Murlidhar Salunkhe.
Age : 36 Years., Occ.: Service.
R/o.: Girna Pumping Road, Ramnagar,
Near Shridhar Nagar,
Plot No.29B, Jalgaon,
Dist. Jalgaon.

:: Applicant.

Versus

(1) The State of Maharashtra.

(2) Radhabai Ambadas Sonawane.
Age : 55 Years., Occ.: Household.
R/o.: Shani Peth, Jalgaon.
Dist. Jalgaon.

:: Non Applicants.

Appearance ==>

Mr. Sandip R. Sapkal, Advocate for the Applicant.

Mr. V.P. Kadam, Additional Public Prosecutor for the State of Maharashtra
/ Non-Applicant No.1.

Ms. Vaishali Deshpande, Advocate h/for Mr. A.S. Bayas, Advocate for
Non-Applicant No.2.

CORAM : V.M. DESHPANDE, J.

DATE : 18th FEBRUARY, 2015.

JUDGMENT :-

Rule. Rule made returnable forthwith. Heard finally, with consent
of both the parties.

[2] By the present Criminal Revision Application, the applicant is challenging :-

(i) the order dated 1st August, 2014 passed by the learned Additional Sessions Judge, Jalgaon, Dist. Jalgaon below application Exhibit – 76 filed in Sessions Case No.211 Of 2012, whereby the learned Additional Sessions Judge, Jalgaon exercised the powers under Section 319 of the Code of Criminal Procedure and issued the summons to eleven accused persons; and

(ii) order dated 14th August, 2014 passed by the learned Additional Sessions Judge, Jalgaon, Dist. Jalgaon below application Exhibit – 81 filed in Sessions Case No.211 Of 2012 whereby, the learned Additional Sessions Judge allowed the application filed on behalf of Non-Applicant No.2 for correcting the typographical mistake.

[3] I have heard Mr. Sandip Sapkal, Advocate for the Applicant, Mr. V.P. Kadam, Additional Public Prosecutor for Non-Applicant No.1 – State and Ms. Vaishali Deshpande, Advocate h/for Mr. A.S. Bayas, Advocate for Non-Applicant No.2.

[4] Originally, the charge-sheet was filed against four accused persons vide charge Sheet No.53/2012 for the offences punishable under Section.s. 302, 201 read with 34 of the Indian Penal Code. This charge-sheet was the result of investigation in CR No.52/2012 registered with Nasirabad Police Station, Dist. Jalgaon. Original accused are Narendra Digambar Sapkale, Sau. Laxmi Narendra Sapkale, Pradeep Sudhakar Sapkale and Anusayabai Janardhan Koli.

[5] On 16th June, 2014, Non-Applicant No.2 Radhabai Ambadas Sonawane was examined by the prosecution as its witness No.1. Her

examination-in-chief was commenced on 16th June, 2014. In her evidence, she has specifically taken the name of applicant in the present Criminal Revision Application alongwith other persons. Thereafter an application was moved for joining those 11 persons named in the evidence of Non-Applicant No.2 Radhabai as accused, in the trial. Said application is at Exhibit – 76. The learned Additional Sessions Judge, Jalgaon vide his order dated 1st August, 2014 allowed application Exhibit – 76 filed in Sessions Case No.211/2012. In the said order, name of present applicant is typed as “Sanjay Gangaram Sapkale” instead of “Sanjay Murlidhar Salunkhe”.

[6] On 14th August, 2014, Non-Applicant No.2 filed an application for making necessary correction in the name and for issuance of the summons to correct name i.e. Sanjay Murlidhar Salunkhe. The said application is at Exhibit – 81. On 14th August, 2014 itself the learned Additional Sessions Judge, allowed the said application and it was directed that the summons be issued to Sanjay Murlidhar Salunkhe.

[7] It is to be noted that other nine persons, who were joined as accused and against whom summons were issued by the learned trial court while exercising powers under Section 319 of the Code of Criminal Procedure approached to this court vide Criminal Revision Application No.181 Of 2014 [Kailas Narayan Sonawane & Ors. V/s. The State of Maharashtra & Ors.]. This court [Coram : M.T. Joshi, J.] on 25th August, 2014 was pleased to dismiss the said Criminal Revision Application. Against the said, Petition for Special Leave to Appeal (Criminal) No.7439/2014 was filed before the Hon'ble Apex Court and vide order dated 19th September, 2014 the Hon'ble Apex Court dismissed the Special Leave Petition and affirmed the order passed by this court in Criminal Revision Application No.181 Of 2014.

[8] It is to be noted that, allegations made against Sanjay Salunkhe, Vishal Pralhad Sonawane, Sagar Pralhad Sonawane, Bharati Kailas Sonawane, Pralhad Narayan Sonawane, Vilas Narayan Sonawane and the allegations made against the present applicant are identical. This court has already affirmed the order passed by the learned court below Exhibit – 76, which is upheld by the Hon'ble Apex Court.

[9] In view of the fact that case of the present applicant is at par with aforesaid applicants in Criminal Revision Application No.181/14, I see no reason to take any different view. Hence, order dated 1st August, 2014 passed by the learned trial court below application Exhibit – 76 in Sessions Case No. 211/2012 against the present applicant cannot be taken any exception.

[10] In so far as order passed below application Exhibit – 81 in Sessions Case No.211/2012 is concerned, it is clear from the evidence that present Non-Applicant No.2 - Radhabai Ambadas Sonawane has specifically taken the name of present applicant. It appears that, in the order passed below application Exhibit – 76, name of present applicant is typed as “Sanjay Gangaram Sapkale” instead of “Sanjay Murlidhar Salunkhe” and, therefore, application Exhibit – 81 was moved by Non-Applicant No.2 for issuing summons on correct name. The learned trial court vide his order dated 14th August, 2014 has corrected the said aspect. Hence, no exception can be taken to that also. Therefore, present Criminal Revision Application fails and is dismissed accordingly. Rule is discharged.

(V.M. DESHPANDE, J.)