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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 63 OF 2015**

Rukmini Pandurang Gholve

Applicant

Versus

The State of Maharashtra

Respondent

Mr. S.V. Kotwal i/by Mr. Ashish Sudhakar Sonawane for the applicant.

Smt. V.S. Mhaispurkar, A.P.P. for the State.

**CORAM : M.L. TAHALIYANI, J.
DATED : JULY 23, 2015**

P.C.

Heard learned counsel for the applicant and learned A.P.P. for the State.

2. This revision application impugns the order passed by the Special Judge refusing to discharge the applicant of the charges framed against her for the offences punishable under sections 13(2) read with 13(1)(e) read with 109 of Indian Penal Code. The main accused was her husband. She is alleged to be an abettor to the offence committed by her husband. Her husband was found in possession of the property disproportionate to the known source of his income. The value of the disproportionate assets was around Rs.14,51,433/-.

3. As far as role of the applicant is concerned, she is stated to have

purchased three plots and is alleged to have sold the same plots to her husband in double the price. The value of the plots purchased by her was about Rs.40,000/-. She was also working as a teacher. As such she had independent source of income. The prosecution alleges that she has abetted the commission of the crime in as much as she sold the property knowing well that the market value of the property was not double the price of the purchase price. In addition to this, one house was constructed on the plot of the applicant at village Barshi. The value of the house was about Rs. 3 lac. Since the plot belong to the applicant, it is alleged that she has abetted the crime committed by her husband.

4. Check period was from 1979 to 1990. The FIR was registered in the year 2003. The investigation was completed and chargesheet was filed in the year 2010. The husband of the applicant died in the year 2013.

5. In view of the fact that the first year of the check period was about 36 years ago and considering the fact that the case is very old and the main accused is dead and further considering the fact that the applicant has allegedly played very marginal role, in my opinion, the prosecution should not be allowed to be continued. The prosecution instead of devoting time on such case, should concentrate on other serious cases pending in the court of Special Judge, at Mumbai. In my considered opinion, quashing of this proceeding is must in the interest of justice and in the interest of saving valuable time of the court.

6. In the result, the order passed by the learned trial Judge is set aside. The charges framed against the applicant are also set aside. Bail bonds, if any of the applicant shall stand cancelled.

(JUDGE)