

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.184 OF 2015

Sandeep Ramdas Choudhari	..Applicant
Versus	
The State of Maharashtra	..Respondent

....
Mr. Vishal L. Kolekar, Advocate for the Applicant.

Smt. V.S. Mhaispurkar, APP for the State.

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CORAM : M. L. TAHALIYANI, J.

DATE : 22nd APRIL, 2015

P.C.

1. Heard learned Advocate Mr. Kolekar for the applicant and learned Additional PP. Ms. Mhaispurkar for the State. Admit. By consent, taken up for final disposal.

2. The applicant is one of the accused in Sessions Case No.314/2014 pending in the Court of Additional Sessions Judge, Pune and is facing trial for the offences punishable under Sections 120B and 307 read with Section 34 of IPC.

3. When the application came up for hearing the charge was not framed against the applicant. His discharge application had been rejected by the learned trial Judge. However, during pendency of this application the charge has been framed against the applicant and other accused. Therefore, the application has been amended accordingly.

4. Learned Advocate for the applicant has submitted that the applicant was not present on the spot when the incident had occurred. It is submitted that some statements are recorded to show that relations between the injured and the applicant were not cordial. It is on the basis of this background that the applicant is suspected to be one of the conspirators.

5. I have gone through the statements on which the respondent (State) relies upon to show that the applicant was one of the conspirators. The statements refer to some earlier incident in which the applicant was involved and FIR was registered. He is one of the accused for the offences punishable under Section 143, 147, 149 read with Section 452 of IPC in the earlier case.

6. After having considered the statements in question, I have come to the conclusion that it is not possible to draw inference on the basis of these statements that the applicant was one of the conspirators. There has to be some evidence to infer *prima facie* that the applicant could be one of the conspirators and he has to face the trial. Since there is no material in the whole

chargesheet the applicant deserves to be discharged. Since the charge has been framed, I pass the following order :

:: O R D E R ::

- [i] The charge, as framed against the applicant, is hereby quashed. The applicant is discharged of all the charges framed by the trial Court. His bail bonds shall stand cancelled.
- [ii] Criminal Revision Application stands disposed of accordingly.

JUDGE