

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

CRI. REVISION APPLICATION NO. 321 OF 2015

Ganesh Ramdas Chorge ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

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

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

CORAM : M.L.TAHALIYANI,J.

DATE : 22nd JULY, 2015

P.C. :

1 Heard learned Advocate Mr.Kolekar for the applicant and learned Additional P.P. 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 this 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 in 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, it appears that the name of the applicant appears in the further statement of the victim. Victim in his further statement states that the applicant could be one of the conspirators. There is nothing more than that. Even if it is accepted to be true and correct that the applicant was accused in FIR No. 409 of 2013 of Loni Kalbhor Police Station, Pune Rural, it does not in any manner even indicate that the applicant was part of the

conspiracy in present case. The suspicion of the victim that the applicant was one of the co-conspirators is not sufficient to frame the charge. Hence, 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)

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