

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

CRIMINAL APPLICATION NO. 977 OF 2014

Mr. Ajit Jagdish Puri

... Applicant.

V/s.

The State of Maharashtra

... Respondent.

Mr. S. G. Rajput, Advocate for the Applicant.

Mr. V. B. Konde-Deshmukh, APP for the State.

CORAM : M.L.TAHALIYANI,J.

DATE : 17th APRIL, 2015

P.C. :

1 Admit. By consent, heard finally at the admission stage.

2 The applicant is facing trial for the offences punishable under sections 171 and 420 read with section 34 of the Indian Penal Code in C.C.No. 2184/PW/2009. The applicant had applied for discharge before the trial Magistrate. His application has been rejected. Revision application has also been rejected by the Sessions Court.

3 The prime accused in the case in question is one Aditya Patole, who was working for Khambata Aviation Pvt.

Ltd.. The complainant's uncle was working as a cook in Great Britain and he had suggested the complainant that the complainant should also accept assignment of cook in London. The complainant gave consent for the same and he accordingly applied for passport and got it from the passport office at Jalandhar. The complainant also got valid tourist visa from the competent authority for stay at Great Britain. He, therefore, decided to travel to London from Delhi Airport. Since the tickets were not available for a period of one week, the complainant decided to travel from Mumbai to London and accordingly he came to Mumbai by Spice Jet Airline. While he was waiting outside the Airport, the accused Aditya Patole had allegedly taken away his passport, containing the visa, on the ground that it was required for checkup and that the accused Aditya Patole belonged to security check department. The said Aditya Patole did not return for about 35 minutes and, therefore, the matter was reported to the concerned police authority. Accused Aditya Patol was identified by the complainant in CCTV footage and ultimately he was arrested. The passport of the complainant was seized from the house of Aditya Patole situated at Ambernath, Dist. Thane.

4 As far as the applicant is concerned, there are vague allegations against him that he was chief of the gang operating in taking away passports and visas of the passengers to be used for ulterior purpose. Some statements have been

recorded by the police which indicate that the applicant used to host grand parties and that he had illicit money. In my opinion, this cannot be an evidence to connect the applicant with the present crime. The learned Magistrate and the learned Additional Sessions Judge have committed an error in not discharging the applicant.

5 The present application of the applicant is allowed.

6 The applicant is discharged of the offences punishable under sections 420 and 171 read with 34 of the Indian Penal Code.

7 The proceedings pending against the applicant being criminal case no. 2181/PW/2009 in the Court of Metropolitan Magistrate, 22nd Court, Andheri, Mumbai shall stand quashed.

8 The bail bond of the applicant shall stand cancelled.

9 The application stands disposed of accordingly.

(JUDGE)

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