

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

CRI. REVISION APPLICATION NO. 464 OF 2015

Vijaykumar Laxman Sonawane ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr. M. V. Thorat, Advocate for the Applicant.

Mr. Deepak Thakare, APP for the State.

CORAM : A.V. NIRGUDE, J.

DATE : 01st DECEMBER, 2015.

P.C. :

This revision challenges the order dated 10th August, 2015 passed by the learned additional Sessions Judge, Solapur, rejecting the applicant's application, seeking discharge from the criminal case. The applicant is accused no.1. It is alleged that the applicant and his companion committed offence, rioting a criminal tress-pass, causing mischief to the property and issuing threats etc.. The incident in question occurred on 17th August, 2013. The complainant- Sharda Mukund Shinde, lodged an FIR that while she was in her house on 17th August, 2013, the applicant and his companion attacked her house with the help of stones. They entered in her house and caused damaged to her house as well to the articles kept in the house. She also urged that the

applicant and his companion abused her on the basis of her scheduled caste. The learned counsel for the applicant points out that in the chargesheet there is a statement of witness, who stated that at the relevant time the Applicant was attending his duties in the government hospital. The learned counsel asserted that the presence of the applicant at the relevant time is highly improbable and, therefore, he should be discharged. If one goes by the provisions of section 227 of the Cr.P.C., the case of the applicant does not qualify for discharge. There is sufficient grounds for proceedings against the Applicant, mainly because the complainant mentioned in her complaint that the applicant was present at the time of the incident and he had instigated others to attack her house. In view of this, the application stands dismissed.

(A.V. NIRGUDE, J.)

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