

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
REVISION APPLICATION NO.423 OF 2014

Vinod Vijay Dabhade

.... Applicant

Vs.

The State of Maharashtra

.... Respondent

Mr. Sushant Sudhakar Prabhune for the Applicant.

Mr. Deepak Thakre, APP, for the Respondent-State.

CORAM: A.V. NIRGUDE, J.

DATED: DECEMBER 10, 2015

P.C:

1. This revision challenges order dated 30-9-2014, passed by the learned Additional Sessions Judge, Greater Mumbai, rejecting the applicant/accused's application at Exhibit-4 in Sessions Case No.755 of 2013 seeking discharge from the case. Offences punishable under Sections 364-A, 392 and 332 r/w Section 34 of the IPC are alleged against the applicant.

2. I have perused the FIR and found that the allegations

made against the applicant are grave and would certainly make out the offences alleged against him. It is alleged that the applicant and his friend stopped a ST bus, pulled down the complainant, who was the driver of the ST bus, abducted him in their car to a secluded place and demanded Rs.15,000/- from him. They kept him detained until the complainant's relatives came from Pune, after about four hours, and delivered a sum of Rs.10,000/- to the applicant and his companion/co-accused. It is further alleged that the applicant and his companion, despite receiving Rs.10,000/-, still retained valuable documents belonging to the complainant with them and asked the complainant to bring Rs.5,000/- more by next day and it is only then, they said, that they would return the documents. It is alleged by the complainant that he was beaten up, detained and taken in a car and the applicant and his companion threatened him.

3. Section 364-A reads as under:-

“364-A. Kidnapping for ransom, etc. - Whoever kidnaps or abducts any person or keeps a person in

detention after such kidnapping or abduction and threatens to cause death or hurt to such person, or by his conduct gives rise to a reasonable apprehension that such person may be put to death or hurt, or causes hurt or death to such person in order to compel the Government or [any foreign State or international inter-governmental organisation or any other person] to do or abstain from doing any act or to pay a ransom, shall be punishable with death, or imprisonment for life, and shall also be liable to fine.”

4. The learned counsel for the applicant contended that ingredients of Section 364-A are not made out against his client even if the entire complaint is taken as truthful.

5. On a perusal of Section 364-A, one finds that the first ingredient of this section is offence of abduction. The complainant has made out that offence in his complaint. The second ingredient is threatening to cause death or hurt or creating reasonable apprehension in the mind of the complainant that he would be hurt if the amount demanded was not delivered. In the case at hand, there indeed was a demand of Rs.15,000/- and until a part of that amount was delivered to the applicant and his companion, they did not leave the

complainant.

6. The provisions of Section 364-A of the IPC are thus attracted towards the allegations made against the applicant and his companion/co-accused. Therefore, the impugned order does not appear to be incorrect. Hence, the petition is dismissed.

(A.V. NIRGUDE, J.)