

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL REVISION APPLICATION NO.53/2013

Mahadev Daulat Katkar ..vs.. State of Maharashtra through PSO P.S.Akot, Dist.Akola

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. R. J. Mirza, Advocate for applicant
Mr. P. V. Bhoyar, A.P.P. for non applicant.

CORAM : A.B. CHAUDHARI, J.
DATE : JUNE 30, 2015.

This revision is directed against order below Exh.-17 dated 22.03.2013 passed by Additional Sessions Judge, Akot by which the revision applicant had sought discharge in relation to the offence under Section 489 (C) (B) read with section 34 of the Indian Penal Code.

The learned revisional Court rejected the application for discharge by recording the reasons.

I have heard learned counsel for the rival parties. I have perused the impugned order. The offences against the applicant are very serious in nature. The applicant was a member of the gang operating in circulating fake currency of Indian nation in market. Learned counsel for the applicant contended that statement of co-accused involving the present applicant is not enough to put him on trial.

I do not agree with the submissions made

by the learned counsel for the applicant. This is not a stage to hold a mini trial as contended by the learned counsel for the applicant. The Sessions Court, in paragraph 13 and 14 of the order, observed thus:

“13. Further more statement of co-accused Dr. Sheshrao Rathod disclosed that the brother of this accused No.5 who is serving at Security Press, Nashik used to send damaged currency notes and he (accused) gets printed fresh currency notes of same numbers and circulates it to the parties. Thus, there is ample prima facie material on record showing that this applicant/accused No.5 is master mind, having link and relations and several persons involved with similar type of crime, rather to say a big gang at Maharashtra and Madhya Pradesh.

14. As observed supra, besides the statements of co-accused there is some other independent evidence followed by recovery of fake currency notes showing link between the co-accused and some other persons/accused in Madhya Pradesh. For framing charge court has to apply judicial mind to the material on record. At the stage of framing of charge the probative value of the material on record cannot be gone into. What is to be seen is whether there is

ground for presuming that the accused has committed an offence. In my view there is sufficient grounds for proceeding against this accused No.5. so he cannot be discharged.”

On the basis of the evidence, the trial court also found that there is statement of witness Lalchand Mahajan, Head Constable in Railway Police and Minajkha Firozkha, about participation of revision-applicant in circulating fake currency notes.

In view of above and in view of the fact that the offence is anti national, no case is made out for discharge. Hence, I pass the following order.

ORDER

- (i) Criminal Revision No. 53/2013 is rejected.

JUDGE