

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

CRIMINAL APPLICATION (APL) NO.390/2015

(Saurabh Shankarsingh Sengar and others ..vs.. State of Maharashtra, through PSO
P. S. Wadgaon Road, Yavatmal)

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

Court's or Judge's orders.

Mr. Mir Nagman Ali, Advocate for applicants.
Mr. S. M. Ukey, A.P.P. for non applicant-State.

CORAM : A.B. CHAUDHARI & P.N. DESHMUKH,JJ.
DATE : AUGUST 6, 2015.

By the present application, applicant no.1-complainant nos.2 to 4 have prayed for compounding of offence under FIR No.144/2015 for the offences punishable under Sections 394, 384, 34 of the IPC read with Sections 4 and 25 of the Arms Act.

We have seen the application as well as FIR sought to be quashed by way of compounding in exercise of powers under Section 482 of the IPC.

In other words, applicant no.1-complainant along with applicant nos.2 to 4 have filed this application for compounding. We find from the reply filed by the State that applicant nos. 2 to 4, who are dreaded criminals in the area, appears to have pressurized applicant no.1 to file the present application. This is clear from the affidavit-in-reply

filed by the State. Instead of we expressing the same, we quote paragraphs 5, 8 and 9 as thus:

“5.At that point of time also, the applicants no.2 to 4 raised the knife and demanded an amount of Rs.3,00,000/- from Bablu Sengar. However, Bablu Sengar stated that he is not having money and at that point of time the applicants no. 2 to 4 demanded an amount of Rs.1,00,000/- from him and the same should be delivered to them till the next morning. Failure to handing over the said money to them, the applicants no.2 to 4 also threatened him that he shall be killed like Salim Ekka and Bhurya Palakadawar. Due to the threatening given by applicants no.2 to 4, the cousin brother of the applicant no.1 namely Bablu Sengar left Yavatmal city for Nagpur and since then he has not returned in his house.

6.

7.

8. It is submitted that the applicants no.2 to 4 are booked for an offences Sections 394, 384, 34 of the Indian Penal Code r/w Section 4, 25 of the Arms Act. The said offences cannot be treated as private in nature. The offences for which the applicants no.2 to 4 are booked have serious impact on the society and are heinous.

9. In addition to the above, it is submitted that the applicants no.2 to 4 have criminal antecedent and many offences are registered agaisnt them. The applicants no. 2 to 4 and co-accused Vijay @ Balya Bhaurao Kumre are also booked in various serious offences. The crime details of the applicant no. 2 to 4 and other co-accused vijay @ Balya Bhaurao Kumrre are annexed herewith.”

Perusal of the above reply shows that the applicant nos.2 to 4 have caused such a terror that cousin brother of applicant no.1 by name Bablu Sengar left Yavatmal city for Nagpur and has not returned yet to Yavatmal. This shows how applicant nos.2 to 4 are not only taking law in their hands but have also indulged in threatening the complainants. They have adventured to file the present application for compounding and that must be obviously under a threat to applicant no.1-complainant.

We then find that the crime chart submitted by the State before us, which is tale telling and reproduced as under:

Sr. No	Crime No. and Sections	Date of Incident	Name of accused
1.	No.144/2015 394, 384, 34 IPC & 4, 23 Arms Act	04.06.2015	1.Rajkuamar @ Baba Shamrao Pawar, aged 24 years, 2. Vinod Shamrao Pawar,aged 22 years 3. Balya @ Vijay Bhaurao Kumre, aged 24 years, 4. Nilesh Hanvat, All r/o Tarpura, Yavatmal.

2.	No.384/2014 307, 341, 34 IPC	24.07.2014	1.Lalya @ Lalit Arun Gajbhiye, aged 24 years, r/o Jamnakar Nagar, 2. Rajkuamar @ Baba Shamrao Pawar, aged 24 years, r/o Behind Z.P. School, Arni Road, Yavatmal. 3. Swapnil Pramod Yambadwar, aged 30 years, r/o Borle Nagar, Yavatmal. 4. Ghanshyam Namdeorao Rajgadkar, aged 25 years, r/o Tarpura, Yavatmal.
3.	No. 3075/2013, 294, 506, 34 IPC.	25.02.2013	Rajkuamar @ Baba Shamrao Pawar, aged 24 years, r/o Behind Z.P. School, Arni Road, Yavatmal.
4.	No.374/2012 353, 332, 294, 506 IPC	12.11.2012	Rajkuamar @ Baba Shamrao Pawar, aged 24 years, r/o Behind Z.P. School, Arni Road, Yavatmal.
5.	No.3090/201 2 12 of the Bombay Prevention of Gambling Act	17.06.2012	Rajkuamar @ Baba Shamrao Pawar, aged 24 years, r/o Athavadi Bazar, Yavatmal.
6.	No.91/2010, 379, 427, 34 IPC	05.04.2010	1. Salman Mahammad Solanki, aged 22 years, r/o Tarpura, Yavatmal. 2. Baba Shamrao Pawar, aged 24 years, r/o Athavadi Bazar, Yavatmal.

7.	No.249/2010 302, 341, 34 IPC	05.09.2010	Baba Shamrao Pawar, aged 24 years, r/o Athavadi Bazar, Yavatmal.
8.	No. 3069/2012 294, 506, 34 IPC	26.06.2010	Baba Shamrao Pawar, aged 24 years, r/o Athavadi Bazar, Yavatmal.
9.	No.102/2015 363, 367, 323, 143, 144, 147, 148, 149, 452, IPC, 3/25 Arms Act, 135 B.P.Act	03.06.2015	1.Rajkuamar @ Baba Shamrao Pawar, aged 24 years, 2.Vinod Shamrao Pawar, aged 22 years 3. Balya @ Vijay Bhaurao Kumre, aged 24 years, 4. Nilesh Hanvat, All r/o Tarpura, Yavatmal. 5. Pappu Solanke and 15- 30 persons

The above record shows the crime history of applicant nos. 2 to 4. We are fully satisfied that applicant nos. 2 to 4 cannot be allowed to take law in their hands and we are also surprised to their audacity to approach this Court. Applicant nos. 2 to 4 must pay costs to the State Government in its Home Department.

In view of above, following order is passed.

ORDER

(i) Criminal Application No.390/2015 is rejected.

(ii) Applicant nos. 2 to 4 shall pay costs of Rs.10,000/- (Rs. Ten Thousand Only) each to the Superintendent of Police, Yavatmal within a period of six weeks from today, failing which, the Superintendent of Police, Yavatmal shall commence appropriate proceedings to recover total amount of Rs.30,000/- (Rs. Thirty Thousand Only) from applicant nos. 2 to 4 within six months.

(iii) Superintendent of Police, Yavatmal shall provide Police protection/witness protection to applicant no.1 and witnesses in this crimes when the trial begins.

JUDGE

JUDGE