

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

CRIMINAL REVISION NO. 252 OF 2009

Tarachand Muka Shende,
aged about 42 yeas, Occupation: Labourer,
R/o. Dongargaon, Tahsil and District :
Gadchiroli (In Jail).

.... **APPLICANT.**

// **VERSUS** //

State of Maharashtra, through P.S.O.
Gadchiroli Police Station,
District : Gadchiroli.

.... **RESPONDENT.**

Mr. PK.Dhomne, Advocate for Revision-Petitioner.
Mr S.S.Doifode, A.PP for Respondent/ State.

CORAM : A.R.JOSHI, J.
DATED : FEBRUARY 04, 2015.

ORAL JUDGMENT :

1. Heard learned counsel for the revision petitioner and learned Additional Public Prosecutor for respondent / State in this criminal revision preferred by the applicant/ original accused challenging the concurrent findings by the earlier Courts for the offence punishable under Section 65(d) of the Bombay Prohibition Act.

2. Present revision petitioner was charged for the offence punishable under Section 65(d) of the Bombay Prohibition Act for having possession of 30 NIPs on 20th March, 2006. It is the case of prosecution that the Police Party accosted the accused/ present applicant while coming from the field and on his personal search 30 NIPs of country liquor were found. Those were taken under the panchnama. Two prosecution witnesses were examined during the trial but were not not cross-examined the applicant/ accused. In his statement under Section 313 of the Code of Criminal Procedure Applicant/ Accused admitted the fact that the police had seized 30 NIPs of 'Rocket' brand, during his personal search and also admitted his signature on panchnama Exh.10. These bottles were in sealed condition. As such, concerning the evidence and admission by the accused, Chief Judicial Magistrate, Gadchiroli convicted the applicant/ accused and directed him to undergo sentence for three years.

3. Criminal Appeal No.7 of 2008 was preferred by the applicant and it was also finally heard and disposed of by the Sessions Judge, Gadchiroli vide order dated 9th December, 2009. The appeal was dismissed. The reasoning given by the trial Court and also by the appellate Court has been seen. There is nothing to interfere with the

concurrent findings of the earlier courts and also there is nothing to interfere with the impugned judgment and order of the appellate Court.

In the result, there is no substance in the present criminal revision application and accordingly it is disposed of.

JUDGE

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