

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2934 OF 2004

Kiran s/o. Baluppa Swami ..Applicant
Age.28 years, Occ. Self Employees
(Advocate) R/o. Meghraj Nagar,
Shahu Chowk, Latur.

Versus

The State of Maharashtra ..Non-applicant
Through P.S.O., MIDC Police Station,
Latur.

None for the applicant.
Mr.A.R. Kale, A.P.P. for the non-applicant/State.

CORAM : Z.A. HAQ, J.
DATED : 08.12.2016

ORAL JUDGMENT :-

. None for the applicant. Heard Mr.A.R. Kale,
learned A.P.P. for the non-applicant.

02. The applicant has prayed that the proceedings of
Sessions Case No.61 of 2004, pending before the Sessions
Court at Latur against him be quashed.

03. The facts on record show that the prosecution
was launched against three accused for the offence under
sections 436, 504, 506 read with section 34 of the Indian
Penal Code. Initially, the name of the present applicant
was not referred by the complainant. However, the

applicant came to be shown as co-accused in view of supplementary statement of Mangal Bavge. It is undisputed that Sessions Case No.61 of 2004 proceeded and the other accused are acquitted. According to the prosecution, the present applicant was absconding and therefore the prosecution against him could not proceed. The challenge as raised in the application is that the applicant is falsely implicated as he rendered his professional services as an Advocate to Jyoti with whom there was some dispute of Anuradha Dhage and he is implicated on instigation of Anuradha Dhage. Be that as it may, considering the fact that the co-accused are acquitted and the name of the applicant is taken only in the supplementary statement and as the learned A.P.P. has not been able to show any other material against the applicant which justifies the continuation of the prosecution against the applicant, the following order is passed :-

(i) The proceedings of Sessions Case No.61 of 2004 pending before the Sessions Court at Latur against the applicant are quashed.

(ii) Rule made absolute in the above terms. In the circumstances, parties to bear their own costs.

[Z.A. HAQ, J.]