

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO. 342 OF 2015

Dada @ Anil Sainath Chaudhari

... Applicant

vs.

The State of Maharashtra

... Respondent

Mr. Vishal Kolekar, Advocate for the applicant.

Mr. A. S. Shitole, Additional Public Prosecutor for the State.

Coram : Smt. R. P. SondurBaldota, J.

Date : 4th January, 2016.

P.C. :

1. This Revision Application is by accused No.4 in Sessions Case No.314 of 2014 pending in the Sessions Court at Pune arising out of C. R. No.373 of 2013 dated 25th July, 2013 lodged with Lonikalbhor Police Station, Pune Rural, for the offences punishable under section 120-B, 212, 307 r/w 34 I.P.C. Thereafter, on 21st August, 2013 another crime being C. R. No.409 of 2013 was lodged with Lonikalbhor Police Station, Pune Rural, for the offences punishable under section 452, 143, 148, 149, 323, 504 and 506 I.P.C., against the applicant herein and other accused persons. On the same day the police invoked the provisions of Section 120-B in the present crime i.e. C. R. No.373 of 2013. The

applicant had been arrested in C. R. No.409 of 2013. His custody was subsequently transferred to C. R. No. 373 of 2013. During the course of investigation the police recorded further statements of the victim of the assault, one Sudarshan and of his brother, Chandrashekhar. Supplementary statement of the victim and his brother specifically names the applicant herein stating that before the incident of assault in this case the applicant herein, accompanied by two other persons had threatened the victim of the assault. The charges against the applicant were framed on 20th April, 2015 under Sections 307, 120-B and 202 r/w 34 I.P.C. Three months thereafter the applicant filed the present application for setting aside the order of framing of charge and for discharge from the proceedings.

2. Mr. Kolekar, the learned advocate appearing for the applicant refers to two orders passed by this Court in Criminal Writ Petition No.184 of 2015 and Criminal Revision Applications No.259 to 261 of 2015 filed by certain other persons to submit that since other accused persons placed similarly have been discharged by this Court, the applicant is entitled for discharge on the ground of parity.

3. The two orders relied upon by the applicant obviously do not consider the material as against the applicant herein.

Therefore, the reference to the two orders by Mr. Kolekar is of no assistance. The victim in his supplementary statement has disclosed that a couple of days prior to the incident i.e. on 22nd July, 2013, the applicant accompanied by two more persons came near the vehicle of the victim and threatened to teach him a lesson alleging that despite belonging to the same village he was siding with the outsiders. The brother of the victim Sudarshan in his supplementary statement has referred to the same incident. In these facts of the case, it cannot be said that there is no material, whatsoever, against the applicant to connect him to the offences alleged. The charges against the applicant have thus been correctly framed. Considering the gravity of the case, the prosecution must get an opportunity to establish the charges against the applicant. Hence, the revision application is dismissed.

[Smt. R. P. SondurBaldota, J.]