

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

CRIMINAL APPLICATION (APPA) NO. 762 OF 2015

(The State of Maharashtra through P.S.O., Ramnagar, Chandrapur Vs. Maroti @ Dharshan @ Gulab s/o Maniram @ Ganpat Kurwadkar)

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

Court's or Judge's orders

Shri A. K. Bangadkar, A.P.P. for the applicant-State.
Shri H. P. Lingayat, Advocate for the respondent.

CORAM : S. B. SHUKRE, J.
DATED : 06 JUNE, 2016

Heard learned A.P.P. for the State and learned
Counsel for the respondent.

On going through the impugned judgment and order as well as notes of evidence filed on the record of the appeal, I find it difficult to agree with the contention of the learned A.P.P. for the State that there is prima facie case against the respondent for the offences punishable under Sections 10, 13, 18, 39(1) of the Unlawful Activities (Prevention) Act and also under Sections 3, 12 of the Press and Registration Act. The material requisite for constituting of all these offences as seen from the prosecution evidence is absent and I find that the view taken by the learned Additional Sessions Judge in this regard cannot be said to be perverse or arbitrary. The appeal, therefore, deserves to be dismissed for these offences and is dismissed so.

As regards the offences punishable under Sections 420, 465, 468, 124-A, 120-B read with Section 34 of the Indian Penal Code also I do not find any material for admitting this appeal and so far as these offences are concerned, the appeal stands dismissed.

The appeal has also been filed against the acquittal recorded in respect of the offence punishable under Sections 25 read with Section 3 of the Indian Arms Act. So far as this offence is concerned, from the evidence of P.W.-7 Prakash Sayam, I find that the prosecution does have an arguable case. Therefore, the appeal is **admitted** only for an offence punishable under Section 25 read with Section 3 of the Indian Arms Act.

Learned Counsel for the respondent makes a statement that the respondent would remain present before this Court on the next date.

The respondent shall personally remain present before this Court, as assured by the learned Counsel, on **23/6/2016**.

JUDGE