

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 460 OF 2017

Ramesh Madhusa Bhondage. ..Applicant.

Versus

State of Maharashtra & Another. ..Respondents.

Mr. P. G. Sarda for the Applicant.

Ms. S. D. Shinde, APP for the State.

Mahibub Gulmahamad Shaikh officer from MIDC Police Station, Solapur is present.

Coram : RANJIT MORE &
SANDEEP K. SHINDE, JJ.

Date : **December 6, 2017.**

P. C. :

1. At the outset, Mr. Sarda, learned Counsel for the Applicant seeks leave to amend the prayer clause. Leave granted. Necessary amendment be carried out forthwith.

2. Heard Mr. Sarda, learned Counsel for the Applicant and Ms. Shinde, learned APP for the State. The instant application is filed seeking to quash and set aside the proceedings of Sessions Case No. 145 of 2014 pending on the file of learned Additional Sessions Judge at Solapur. The said case is an outcome of FIR bearing CR. No. 96 of 2013 registered with MIDC Police Station, Solapur against the Applicant for the offence punishable under sections 420, 467, 328 of the Indian Penal Code, 1860 and sections 65(c)(d)(e)(f), 66(1)(b), 21(1),

67, 86 and 83 of the Mumbai Prohibition Act. The quashing is sought on the ground that there is no material on record to implicate the Applicant in the said FIR.

2. Learned APP having taken instructions from the concerned officer and having gone through the entire charge-sheet, fairly concedes that there is no material in the entire charge-sheet against the Applicant save and except statement of the co-accused. She submitted that the Applicant was made accused only on the basis of said statement of the co-accused. The learned APP does not dispute that statement of the co-accused is not admissible in evidence.

3. In the light of above, in our considered opinion, no purpose would be served by continuing the proceedings against the Applicant. Application is accordingly allowed in terms of prayer clause (b) qua the Applicant only. Consequently, the proceedings of Sessions Case No. 145 of 2014 pending on the file of Additional Sessions Judge, Solapur is quashed qua the Applicant only. It is made clear that said sessions case will proceed on its own merits as against other accused persons.

4. Application stands disposed of.

[SANDEEP K. SHINDE, J.]

[RANJIT MORE, J.]