

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4152 OF 2016

Mr. Kiran Multanmal Jain

.....Petitioner

V/s.

State of Maharashtra & anr.

.....Respondents

\* \* \* \* \*

Mr. Siddhant Vakil, Advocate for the petitioner.

Mr. V.V. Gangurde, APP for respondent, State.

**CORAM :- SMT. R.P. SONDURBALDOTA, J.**

**DATED :- 10TH JANUARY, 2017.**

**P.C. :-**

1). This petition challenges the orders dated 27<sup>th</sup> January, 2016 passed by the trial Court issuing process under Sections 454, 457, 380, 311 Indian Penal Code against the petitioner and the order dated 3<sup>rd</sup> October, 2016 passed by the Sessions Court rejecting the petitioner's Revision Application No. 269 of 2016 challenging the order of the trial Court.

2). It is the contention of the petitioner that, the material on record is not sufficient to connect the petitioner to the offences alleged, in the complaint filed. The Revisional Court, has noted

that, though the FIR does not disclose the name of the petitioner his involvement in the offence is revealed during the investigation. The main accused, accused no.1 had made a disclosure statement that the ornaments stolen by him had been sold by him to the petitioner who runs a shop by name, "Milan Jewellers". At the time of recovery panchanama, though nothing could be recovered from the petitioner, accused no.1 had reiterated his statement that he had sold the ornaments to the petitioner. Besides, initially the petitioner had not co-operated with the police during the course of the process of recovery. The Sessions Court has therefore observed that, though the evidence against the petitioner is short, it cannot be said that, there are no sufficient grounds to frame charges against the petitioner. Considering, the overall facts and circumstances of the case, I am not inclined to interfere with the order in the limited jurisdiction under Article 227 of the Constitution of India. Hence, the petition is dismissed.

**(SMT. R.P. SONDURBALDOTA, J)**