

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 718 OF 2014

1. Sanjeevani Namdeo Savant
Age : Major, Occ. Household,
2. Deepak S/o Namdev Savant
Age : Major, Occ. Business,
3. Prakash S/o Namdev Savant
Age : Major Occ. Business
4. Gajanan S/o Namdev Savant
Age : Major, Occ. Business

All R/o. Alankapuri Society,
Nirmalnagar, Savedi, Ahmednagar

..APPLICANTS

VERSUS

- 1] The State of Maharashtra,
- 2] Bhagwan S/o Asaram Pawal,
(Since Deceased)

..RESPONDENTS

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Advocate for Applicant : Mr. V. D. Salunke
APP for Respondents: Smt. P. V. Diggikar

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**CORAM : T.V. NALWADE AND
SMT.VIBHA KANKANWADI,JJ.**
DATE : 25-10- 2018.

JUDGMENT [Per T.V. NALWADE, J] :-

Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

The petition is filed for relief of quashing of proceeding of R.T.S. No. 256 of 2012 which is filed in Crime No. 296/2010 registered for the

offences punishable under Sections 454, 380, 420, 462, 467, 471 read with Section 34 of the Indian Penal Code. The crime was registered with Kotwali Police Station Ahmednagar on the basis of report given by respondent no.2 Bhagawan Pawal.

2] Both the sides are heard.

3] After hearing the argument of the learned Advocate for the petitioners for some time, when this Court expressed opinion that the Court is not inclined to grant the relief on merits to petitioner Nos. 2 to 4 the learned counsel for Petitioner Nos. 2 to 4 submitted, on instructions, that he wants to withdraw the proceeding filed by Petitioner Nos. 2 to 4. So their application is disposed of as withdrawn.

4] Petitioner No.1 Sanjeevani Savant is the mother of petitioner nos. 2 to 4. Petitioner Nos. 2 to 4 are related with the first informant Bhagwan through his son Kailash. The allegations are made against them that after one sale transaction when Bhagwant had collected cash amount of Rs. 40,40,000/- this amount was taken away by petitioner nos. 2 to 4 without permission and thereby the offence was committed. This Court has carefully gone through the entire record. There are no specific allegations as against petitioner no.1 Sanjeevani. It appears that only due to relationship with petitioner nos. 2 to 4 she is made accused. There is virtually no material to make out the offence against her. So relief needs to be granted in her favour. In the result, following order :-

ORDER

(I) The petition of petitioner no.1 Sanjeevani Namdeo Sawant is allowed.

(II) Relief is granted to her in terms of prayer clause (B).

(III) The petition of petitioner Nos. 2 to 4 is disposed of as withdrawn.

Rule made absolute to that extend in favour of petitioner no.1 Sanjeevani Namdeo Sawant only.

[SMT.VIBHA KANKANWADI]
JUDGE

[T.V. NALAWADE]
JUDGE

YSK/