

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL APPLICATION NO. 1932 OF 2018**

- 1] Kavita D/o Shantaram Sonawane,
Age : 26 Years, Occu. Household,
- 2] Swapnil S/o Shantaram Sonawane,
Age : 23 Years, Occu. Service,
- 3] Jitendra S/o Shantaram Sonawane,
Age : 32 Years, Occu. Service,
All R/o Nandgaon Tq. & Dist.
Jalgaon.

... APPLICANTS
(Orig. accused)

Versus

1. The State of Maharashtra
2. Ramnath S/o Pandit Patil,
Age : 40 Years, Occu. Agri,
R/o. Nandgaon Tq. & Dist.
Jalgaon.

..RESPONDENTS

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Advocate for Applicants : Mr. N. B. Narwade
APP for Respondent no.1 : Smt. V.S. Choudhary
Advocate for respondent no.2 : Mr. G.P. Kale and
Mr. B. J. Sonawane

...

**CORAM :T.V. NALWADE AND
SMT.VIBHA KANKANWADI,JJ.
DATE :14th SEPTEMBER, 2018.**

ORAL JUDGMENT (PER T.V. NALWADE, J]

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

2] The present proceeding is filed under Section 482 of the Code of Criminal Procedure for quashing of the proceeding of Regular Criminal Case No. 350 of 2018 presently pending before the learned Judicial Magistrate,(First Class), Jalgaon which is filed for the offence punishable under Sections 307, 143, 147, 148, 149 of the Indian Penal Code and under Sections 38(1)(3)/135 of Bombay Police Act. The case is filed in Crime No. 21/2018 registered with Jalgaon Taluka Police Station, Tq. & Dist. Jalgaon.

3] We have carefully perused the papers of the investigation and material collected by the Investigation officer, against all the three applicants.

4] During the argument when this Court expressed its disinclination to grant relief in favour of applicant No.2 Swapnil Shantaram Sonawane and applicant No.3 Jitendra Shantaram Sonawane as their presence is not disputed and counter case which was registered at C.R. No.22/2018 in which they are shown as witnesses, the learned advocate for these applicants, on instructions, seeks leave to withdraw the proceeding of applicant no.2 Swapnil and applicant no.3 Jitendra .

5] The other material shows that the persons like Pintu, Rajendra

and Ramnath were injured in the incident. Ramnath sustained two injuries and other sustained one injury each. They have given the names of the persons who made assault on them. They have not taken the name of Kavita applicant no.1, and not stated in their statement before the police that Kavita was present on the spot with persons of the group of Shantaram. There is nothing on record to show that she was the member of unlawful assembly. In view of the number of injuries sustained by the persons from the complainant side and number of accused persons who are the male, mentioned in the FIR, 14 accused, this Court holds that there is clear possibility of false implication of the Kavita as she was involved in the politics of the village. This Court holds that relief needs to be granted in favour of applicant no.1 Kavita Shantaram Sonawane. Hence the following order :-

ORDER

- I] Application of applicant no.1 is allowed.
- II] Relief is granted to the applicant no.1 in terms of prayer clause "B".
- III] The application in respect of applicant no.2 and 3 is allowed to be withdrawn and accordingly disposed of.
- IV] Rule made absolute on those terms.

[SMT.VIBHA KANKANWADI]
JUDGE

[T.V. NALAWADE]
JUDGE