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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

REVISION APPLICATION NO. 109 OF 2016

Satyawan Dattaram Kankekar ..**Applicant**
Vs
The State of Maharashtra ..**Respondents**

Mr. Ganesh Bhujbal for applicant.
Mr. Amit Palkar, APP for State.

CORAM : A.S.GADKARI, J.
DATE : 28th August 2018.

P.C.:

1] The present Revision is directed against the impugned Order dated 3rd December 2015 passed below Exhibits 2 in Sessions Case No.250 of 2014 by the learned Assistant Sessions Judge, Greater Mumbai thereby rejecting the application of the applicant for discharge from CR No.194 of 2012 registered with Agripada Police Station, Mumbai.

2] Heard the learned counsel for the applicant and the learned APP. Perused the record.

3] The learned counsel for the applicant submitted that, though the presence of the applicant is mentioned by the first informant and other

witnesses at the scene of offence, no specific weapon is assigned to him and therefore he may be discharged from the case.

4] Perusal of the first information report and the statements of the witnesses would indicate that, in pursuance of instigation made by Mayur Narkar, the applicant and other named accused persons assaulted the first informant Sudhir Chavan with sticks and iron rods. The informant and other witnesses have categorically stated that, the accused were holding either sticks or iron rods. The presence of the applicant and other accused at scene of offence is not disputed. The police have applied section 149 of the Indian Penal Code to the present crime. A strong prima facie case is made out against the applicant as per the record to frame charge.

5] In view thereof, no case for discharge of the applicant is made out. I find no error in the impugned Order dated 3rd December 2015 passed by the Trial Court.

Application is accordingly rejected.

(A.S.GADKARI, J.)

Anil Chandrakant Dond
Digitally signed by Anil Chandrakant Dond
Date: 2018.08.29 14:55:02 +0530