

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION (APL) NO.721 OF 2016**

Sanjay Namdeo Salunkhe ...Applicant

vs.

The State of Maharashtra and Anr. ...Respondents

Ms. Rati S. Sinhasane i/b Mr. U. R. Mankapure for the Applicant.
Mr. Avinash Kumkhedkar, APP for the Respondent-State.
Mr. R. S. Apte i/b Mr. A. A. Garge for Respondent No.2.

**CORAM : B. P. DHARMADHIKARI &
SMT ANUJA PRABHUDESSAI, JJ.
DATE : 13/02/2019.**

P.C.:

. Learned counsel for the applicant submits that the statement recorded in support of FIR does not make out offence under section 295(A) of IPC. She also claimed that petitioner is not the author of the alleged material.

2. Learned counsel appearing for respondent No.2 first informant and learned APP for Respondents No.1 are opposing the contention. Learned counsel for respondent No.2 submits that even forwarding a message as noted in statement of the first informant is enough in the eye of law. He also adds that this is not a solitary act of accused.

3. We have perused the report and statement which points out messages alleged to be forwarded by the applicant to others. At this stage we do not find substance in the contention of the applicant. However, keeping all contentions of the applicant open and with liberty to the

applicant to raise the same at appropriate juncture before trial Court, we dispose of the petition. No costs.

(SMT ANUJA PRABHUDESSAI, J.)

(B. P. DHARMADHIKARI, J.)