

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION (APL) NO.1141/2019

Deepak s/o Nilkanth Pathrabe

..VS..

State of Mah., thr. PSO Crime Branch (Tahsil), Nagpur, District Nagpur

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

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Shri P.R.Puri, Counsel for the Applicant.
Shri M.J.Khan, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.

DATED : NOVEMBER 15, 2019.

1. Heard learned counsel Shri P.R.Puri for the applicant and learned Additional Public Prosecutor Shri M.J.Khan for the State.

2. By this application, the applicant is praying for quashing and setting aside order dated 17.6.2019 passed below Exhibit 29 by learned 10th Additional Sessions Judge, Nagpur in Sessions Trial No.443/2014 whereby learned Judge of the Court below rejected the application for discharge.

3. Main submission of learned counsel Shri P.R.Puri for the applicant is that nothing is seized from the applicant and, therefore, he needs to be discharged. The said was the only submission made before this Court.

4. The applicant is accused No.6 in Sessions Trial No.443/2014 facing offences punishable under Sections

489(c)(d) and 120-B of the Indian Penal Code. Crime is registered as Crime No.139/2014 with Tahsil Police Station, Nagpur.

5. According to the prosecution case, accused No.1-Udaysingh Nimje was taken into custody in a trap. That time, he was found in his possession 40 notes denomination of Rs.500/- having identical serial numbers. During interrogation, he revealed that he kept other currency notes in house of his sister Shashikala Jambhule, a resident of Binaki Layout, Dhammadip Nagar, Nagpur. Upon that, her house was searched and in the said search, 90 notes of Rs.1000/- and 285 notes of Rs.500/- of same serial numbers were found and the said notes came to be seized.

6. As per the prosecution case, Shashikala stated in her statement that prior to 8-10 days, when she was alone at her house, accused No.1-Udaysingh Nimje along with his friends Dinesh Kadu and applicant Deepak Pathrabe came to her house and they brought a red colour bag. It was asked that Shashikala should keep the said bag with her. Her statement reveals that when the said bag was kept, that time the applicant was accompanying one of persons who kept the said bag.

7. The prosecution has also recorded statement of Parvatabai Nimje, the wife of accused No.1-Udaysingh Nimje. Her statement also reveals that Udaysingh brought a bag in their house and on the next day present applicant and other co-accused Dinesh Kadu came at their house and all of

them were seen counting currency notes of Rs.500/-.

8. At this stage, the Court was expected to look into material for framing of charge and not for conviction. Learned Judge of the Court below did not commit any mistake in rejecting the application for discharge inasmuch as learned Judge noticed presence of the applicant along with spurious notes.

9. In this view of the matter, no case is made out. The criminal application stands rejected and disposed of accordingly.

JUDGE

!! BRW !!

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