

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 404 OF 2020

Angad s/o. Shrimant Korade,
Age- 21 years, Occ: Education,
Rui Sukhapuri, Tq. Ambad,
Dist. Jalna.

.. **Applicant**

Versus

1. The State of Maharashtra,
Through the Officer in charge of
Cidco Police Station, Aurangabad.

2. Krushna s/o. Jagannath Kadam,
Age-20 years, Occ: Education,
R/o. Lohgaon, Tq. Paithan,
Dist. Aurangabad.

.. **Respondents**

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Mr. Jaware Vishnu M. Advocate for the Applicant.

Mr. K.S. Patil, APP for respondent-state.

Mr. D.S. Pawar, Advocate for Respondent No.2

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**CORAM : T.V. NALAWADE &
M.G. SEWLIKAR, JJ.**

DATE : 13.02.2020

ORAL JUDGMENT :-

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

2. The present proceeding is filed for relief of quashing of proceeding of R.C.C. No. 2072 of 2019 presently pending in the Court of

J.M.F.C. (Railways), Aurangabad. The charge-sheet is filed for the offences punishable under Section 379 and 201 of the I.P.C.

3. This Court has carefully gone through the papers including the F.I.R. It appears that the present applicant and the other boys were present in examination hall and at that time the present applicant committed theft of articles of those boys which included cash amount, ATM cards, Aadhar cards etc. During investigation some of the articles came to be recovered from the applicant. In the Court of the J.M.F.C. the application was given by informant and other boys and request was made to allow them to compound the case. As Section 201 of the I.P.C. is non-compoundable the application was rejected.

4. Today in this Court affidavits of all those boys whose articles were stolen are filed and there is also the affidavit of the informant. They are youngsters aged about 18 to 19 years. In view of this circumstance, this Court holds that the relief needs to be given. In the result, the application is allowed. The relief is granted in terms of prayer clause-B. The rule is made absolute in those terms.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]