

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 86 OF 2019**

Amit Shyam Pendhari	... Petitioner
V/s.	
The State of Maharashtra and ors.	... Respondents

Mr. V.V. Pethe for the Petitioner.
Dr. F.R. Shaikh, APP for the Respondent – State.
Mr. A.R. Gole for Respondent Nos.2 and 3.

**CORAM : B.P. DHARMADHIKARI &
 : N.R. BORKAR, JJ.
DATE : JANUARY 31, 2020.**

P.C.

1] We have heard learned counsel for the petitioner, learned APP and learned advocate for respondent Nos.2 and 3.

2] The petitioner has approached this Court for quashing of FIR No. 562 of 2018 and charge-sheet No. 91 of 2019.

3] Submission is that there is no material against him.

4] Learned counsel states that one Kailash Wagh was being interrogated by the police in connection with C.R. No. 505 of

2018 for the offences under sections 302, 201 and 34 of I.P.C. and sections 3,25 and 27 of the Arms Act. At that time, police claimed that Kailas Wagh disclosed that his Boss by name Ashutosh was given contract by the present petitioner to kill respondent Nos.2 and 3.

5] It is also pointed out that the charge-sheet has been filed and in the charge-sheet that statement allegedly made by Kailas Wagh is not included. Not only this, there is no other material.

6] Respondent Nos.2 and 3 state that the petitioner Amit is their friend and they are not opposing the prayers of the petitioner.

7] Learned APP submits that except the above statement made by Kailas Wagh, there is no other materials available on record.

8] During hearing, we find that Kailas Wagh made that statement when his memorandum under section 27 of

Evidence Act was being recorded.

9] The facts noted supra, therefore, show that there is absolutely no legal material against the petitioner to substantiate the alleged offence under sections 302, 115 and 120-B of I.P.C.

10] In this situation, we make Rule absolute in terms of prayer clause (a-1).

(N.R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)