

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

CRIMINAL APPLICATION NO.550 OF 2021

SATISH BABAN KHOT
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for the Applicant : Shri Zambare Sudheer R.
APP for Respondent 1 : Shri S.J. Salgare
...

CORAM : RAVINDRA V. GHUGE
&
R. G. AVACHAT, JJ.

DATE :- 15th March, 2021

Per Court :-

1. By this application, the applicant has put forth prayer clause B, which reads as under :-

“B) *The proceeding bearing Special Case (POSCO) No.8/2020 pending before the Ld. Additional Sessions Court, Bhoom arising out of F.I.R. bearing Crime No.0123/2019 registered with Ambi Police Station, Dist. Osmanabad dtd. 10.12.2019 for the offence punishable u/s 354(d), 109, 506, r/w 34 of Indian Penal Code and u/s 8, 12, 17 of P.O.C.S.O. Act, 2012 against the applicant may kindly be quashed and set aside.*”

2. The learned prosecutor points out that this applicant/ original accused had been before this Court in Criminal Application No.76/2020 putting forth the same prayer. By an order passed by this Court on 27.02.2020, the application was disposed off as withdrawn with the

following observations :-

“After hearing the learned counsel for Applicant, when this Court expressed that this Court is not inclined to grant any relief, the learned counsel for Applicant, on instructions, submitted that he wants to withdraw the proceeding. The application is disposed of as withdrawn.”

3. The learned advocate for the applicant himself has tendered the copy of the order dated 27.02.2020, which is taken on record and marked as “X” for identification.

4. We find that the applicant has stated in paragraph 15 of the memo of the application as under :-

“15. The applicant had not filed any other appeal, application before this Hon’ble Court or any other Court of Law, including the Hon’ble Supreme Court of India, except the present application, touching to the subject matter of the present Criminal Application.”

5. This is, therefore, a clear case of an attempt to suppress material information from the Court and mislead the Court.

6. The learned advocate for the applicant seeks withdrawal of this application.

7. In the light of the above, we refuse permission to withdraw this application. Keeping in view the law laid down by the Honourable Supreme Court in ***Kishore Samrite v/s State of Uttar Pradesh, (2013) 2 SCC 398*** and ***Bhaskar Laxman Jadhav vs. Karamveer Kakasaheb Wagh***

Education Society, (2013) 11 SCC 531, this Criminal Application is dismissed on account of suppression of material information. We are imposing costs of Rs.10,000/- (Rupees Ten Thousand) on the applicant, which shall be deposited in this Court on or before 15.04.2021, failing which, we would be constrained to direct the recovery of the said amount through the District Collector, Osmanabad under the provisions of the Maharashtra Land Revenue Code, 1966 treating the amount as being arrears of land revenue.

8. The registry of this Court shall transmit the copy of this order to the learned Additional Sessions Judge, Bhoom, in Special Case (POCSO) No.8/2020.

9. Compliance of the above order shall be intimated to the Court.

kps

(R. G. AVACHAT, J.)

(RAVINDRA V. GHUGE, J.)