

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

8 CRIMINAL WRIT PETITION NO.845 OF 2021

SAMBHAJI GOVINDA PATIL & OTHERS ..PETITIONERS
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER ..RESPONDENTS

...
Advocate for Petitioners : Mr. Sahil Chaudhari h/f Mr. D.D.
Chaudhari
APP for Respondent No.1 : Mr. R. B. Bagul
...

CORAM : N.R. BORKAR, J.
DATE : 22.11.2021

PER COURT :-

This Writ Petition takes an exception to the order dated 02.05.2019 passed by the learned Sessions Judge, Jalgaon below Exh. 81 in Sessions Case No. 9 of 2011.

2. The petitioners are accused in the aforesaid session case and are facing trial for the offences punishable under Sections 143, 147, 148, 307 read with Section 149, 324 read with Section 149 and 325 read with Section 149 of the Indian Penal Code.

3. The respondent No.2, who is original accused No.14 in the aforesaid Session Case, has filed an application under Section 307 of the Code of Criminal Procedure for grant of pardon. The

learned Sessions Judge had allowed the said application by the order impugned.

4. I have heard the learned counsel for the petitioners and the learned A.P.P for the respondent State.

5. Learned counsel for the petitioners submits that no opportunity of hearing was given to petitioners before passing the order impugned. It is submitted that the learned trial Court erred in granting pardon to the respondent No.2. It is further submitted that the trial Court ought not to have allowed the application considering the facts and circumstances of the case.

6. On the other hand, learned A.P.P. supported the order passed by the trial Court. It is submitted that the trial Court has passed the reasoned order, and has recorded convincing reasons for allowing the application. It is submitted that no interference is thus caused for in the order impugned.

7. I have perused the order impugned. The trial Court has considered all the aspects, which are necessary to grant the pardon in terms of section 306 of the Code of Criminal Procedure. I therefore, do not see any reason to interfere with the order impugned in the writ jurisdiction.

8. In the result, petition is dismissed.

(N. R. BORKAR)
JUDGE

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