

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR

CRIMINAL APPLICATION (APL) NO. 808 OF 2016

(SAU. MEERA NARESH SHARMA...VS.. STATE OF MAH.THR.PSO PS BADNERA, DIST. AMRAVATI)

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

Court's or Judge's orders

Shri P.R.Agrawal, Advocate for Applicant.
Ms Mayuri Deshmukh, A.P.P. for Non-applicant No.1.

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.
DATED : JANUARY 19, 2021.

Heard.

2. This is an application under Section 482 of the Code of Criminal Procedure challenging the First Information Report No.131 of 2016, dated 19th September 2016, registered with non-applicant No.1-Police Station for the offences punishable under Sections 392 and 411 read with Section 34 of the Indian Penal Code.

3. The First Information Report came to be registered on 19th September 2016 with the accusation that the applicant herein purchased gold chain of wife of non-applicant No.2 which was forcibly taken at Dhamangaon Railway Station. The applicant has therefore, filed present application challenging the First Information Report.

4. This Court, on 21st June 2017 issued notice to the non-applicants and in the meantime, it was directed that charge-sheet in so far as the applicant is concerned, should not be filed.

5. The non-applicant No.1 has filed reply and has pointed out that there is *prima-facie* sufficient evidence against the applicant to show that the applicant is involved in the offence alleged against her. It is also stated in the reply that the complainant has specifically stated in her statement that she has identified the gold chain which was seized from the applicant. The Investigating Officer had also recorded statement of Santoshdevi Jain who has specifically stated that when she was in the train a person snatched the gold chain. The Investigating Officer had recorded statement of Shri Satish Borundiya who had stated that the applicant had purchased grocery on credit from him and when the amount was sought from the applicant, she offered to handover the gold chain to Shri Satish Borundiya.

6. We have considered the contents of the allegations in the First Information Report. It is settled law that the Court at the stage of considering the registration of the First Information Report under Section 482 of the Code of Criminal Procedure is not supposed to consider the truthfulness of the contents of the First Information Report. In our *prima-facie* view, there are allegations against the applicant which constitute offence under Section 411 of the Indian Penal Code. It is for the prosecution to prove their case in the trial. This is not a case where we should exercise jurisdiction under Section 482 of the Code of Criminal Procedure to set aside the First Information Report at its threshold. Having considered the contents of the First Information Report and the statements recorded by the prosecution, we are satisfied that the present case is required to be decided at the trial.

7. We are, therefore, satisfied that the applicant has not made out the case for quashing of the First Information Report.

Hence, the application is **dismissed**.

(AMIT B. BORKAR, J)

(Z.A.HAQ, J.)

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