

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

940 CRIMINAL APPLICATION NO. 3537 OF 2022

YESHWANT S/O UDDHAV NADE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

.....
Advocate for Applicant : Mr. Avinash A. Khande h/f
Mr. Manoj D. Shinde
APP for Respondent No. 1 : Mr. M. M. Nerlikar
.....

**CORAM : MANGESH S. PATIL AND
ABHAY S. WAGHWASE, JJ.**

DATED : 19 OCTOBER 2022

PER COURT :-

1. Heard.
2. The applicant is seeking quashment of a crime registered against him, along with two other culprits, for the offence punishable under Section 420 r/w 34 of IPC with the M.I.D.C. Police Station, Latur being FIR No. 492 of 2022.
3. Learned Advocate for the applicant submits that though name of the applicant is appearing in the FIR, he was merely a porter and was incidentally present with the main culprit. The allegation is about the main accused having cheated the farmers and induced them to supply soybean promising better price.

4. We have carefully gone through the contents of the FIR. The name of the applicant appears in the FIR. He was accompanying the main accused when the promise was made and the farmers were made to supply soybean, though the applicant claims to be merely a porter. At this juncture, we do not believe that it was a sheer coincidence that he was present when the false promise was given to the farmers and he was accompanying the main accused in his capacity as a labourer or porter. Considering the enormity of the offence and number of farmers alleged to have been cheated, the application is rejected.

5. The observations made herein above are confined to the present application.

[ABHAY S. WAGHWASE, J.]

[MANGESH S. PATIL, J.]