

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION (APL) NO.360/2020

Shri Surendra @ Sonu Tambi Pillay

..VS..

State of Mah., thr.PSO PS Juni Kamptee, District Nagpur and anr

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

Court's or Judge's Order

Shri Amit Khare, Counsel for the Applicant.

None for Non-applicant No.2.

Mrs.M.A.Barabde, Addl.P.P. for the State.

CORAM : VM.DESHPANDE & G.A.SANAP, JJ.

DATED : JANUARY 17, 2022

1. Hearing was conducted through Video Conferencing and learned counsel for parties agree that Audio and Visual Quality was proper.
2. This is an application under Section 482 of the Code of Criminal Procedure for quashing of First Information Report vide Crime No.63/2020 registered with Kamptee Police Station, Nagpur for offences punishable under Sections 395 and 452 of the Indian Penal Code.
3. Heard learned counsel Shri Amit Khare for the applicant and learned Additional Public Prosecutor Mrs.M.A.Barabde for the State. Learned counsel Shri S.O.Ahmed for non-applicant No.2 has not joined hearing through Video Conferencing.
4. On 7.7.2020, Notices on this application were issued.
5. In pursuance to Notices, the State has filed its reply.
6. Learned counsel for the applicant inviting our attention to paragraph No.8 of the reply filed on behalf of the prosecuting agency submits that in view of the reply the present application be disposed of accordingly.

7. The State in its reply at paragraph No.8 has stated as under:

“It is respectfully submitted that during the investigation no evidence was found to establish the offence under section 395 of Indian Penal Code against the present applicant. During investigation in the video footage the golden chain and ring were found on the person of the complainant and his brother. The investigation in the present crime is completed. As no offence under section 395 of Indian Penal Code is made out against the present applicant, section 395 and 457 of Indian Penal Code are deleted and a chargesheet for the offence under section 324 read with section 34 of the Indian Penal Code prepared and ready for filing. It is submitted that ad-interim anticipatory bail is granted to the present by the Hon’ble Sessions Court.”

8. In view of the statement made on oath by the prosecuting agency, it is clear that the prosecuting agency has not filed chargesheet against the applicant under Sections 395 and 457 of the Indian Penal Code and they will be filing chargesheet only under Section 324 read with Section 34 of the Indian Penal Code.

9. In view of the statement made on oath by Investigating Officer, the criminal application is disposed of accordingly.

JUDGE

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RANA
WANKHEDE

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JUDGE

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