

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

CRIMINAL REVISION APPLICATION NO.80/2021
Pandhari Bhagwan Palkar...Versus...The State of Maharashtra

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

Court's or Judge's orders

Mr. Tejas Deshpande, Advocate for the applicant.
Ms. Shamsi Haider, APP for Respondent/State

CORAM : AVINASH G. GHAROTE, J.

DATE : 27/01/2022

1] Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2] Learned APP appearing for respondent/State concedes to the fact that the matter in the present case is covered by the judgment of this Court in **Samadhan Motiram Patil Vrs. State; 2014 ALL MR (Cri) 3561**, as, in Summary Criminal Case No. 1333/2015, the evidence of PWs 1 to 4 was recorded before by one Magistrate, where as the evidence of PW-5 was recorded by another Magistrate, who also has passed the judgment dated 25.6.2019 in Summary Criminal Case No. 1333/2015, considering which the impugned judgment dated 25.6.2019 passed by the learned Magistrate in Summary Criminal Case No. 1333/2015 and so also the judgment of the learned Sessions Judge, Buldhana

dated 16.9.2021 in Criminal Appeal No. 19/2019, without going into the merits of the matter, will have to be quashed and set aside and it is accordingly so done. Considering that the illegality goes to the root of the matter, as observed in **Samadhan Motiram Patil** (supra) relying on **Pratibha Pandurang Salvi and others vrs. State of Maharashtra and another**, 2010 ALL MR (Cri) 59, the applicant shall stand acquitted for the offences punishable under Sections 279, 304-A and 427 of the IPC.

3] The applicant is on bail, his bail bond stands cancelled.

4] The revision is allowed in above terms. No costs.

JUDGE

Rvjalit