

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

CRIMINAL APPLICATION (APL) NO.761 OF 2019

(Rajesh Manikrao Kherde and another vs. State of Maharashtra and another)

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

Shri R. Siddarth, Advocate h/f Shri P.V. Navlani,
Advocate for applicants.

Shri S.M. Ghodeswar, Additional Public Prosecutor
for respondent no.1.

CORAM : SUNIL B. SHUKRE AND
M.W. CHANDWANI, JJ.

DATED : DECEMBER 1, 2022

Shri Siddarth, learned Counsel for the
applicants, on instructions, seeks permission of the
Court to withdraw the criminal application of
applicant no.1 Rajesh Kherde.

2) Leave is granted. The criminal
application of applicant no.1 Rajesh Kherde is
disposed of as withdrawn.

3) We have heard Shri Siddarth, learned
Counsel for the applicant no.2 Sivanantham
Ponnusamy and Shri Ghodeswar, learned Additional
Public Prosecutor for the respondent no.1. Nobody
is present for the respondent no.2 although he is
duly served with the notice.

4) With the assistance of the learned
Counsel for the applicant no.2 and the learned

Additional Public Prosecutor for the respondent no.1, we have gone through the first information report and other documents placed on record. We find that name of the applicant no.2 has not been mentioned in the first information report nor there is any witness, who is saying that at the relevant time at the spot of incident, the applicant no.2 was present. There are also no specific allegations made against him that he along with other accused persons had indulged in some violent act, which amounted to obstructing a public servant from obstructing his public duties. No incriminating material against the applicant no.2 has been brought to our notice even in a prima facie manner by the learned Additional Public Prosecutor.

5) In the circumstances, the criminal application insofar as applicant no.2 Sivanantham Ponnusamy is allowed and the first information report registered against applicant no.2 Sivanantham Ponnusamy (accused no.6) vide Crime No.126/2019 with Police Station, Shirkhed, Tahsil and District Amravati is hereby quashed and set aside.

JUDGE

JUDGE