

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 83 OF 2023

Ashishmuni Bhaskar Ravate

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Mr. U.B. Deshmukh, Advocate for applicant
Mr. A.R. Kale, A.P.P. for respondent no.1 - State
Ms. Karishma Sarin, Advocate for respondent no.2 (appointed)

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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ
DATE : 29th AUGUST, 2023**

PER COURT :

1. Heard.

2. This application, under Section 482 of Code of Criminal Procedure, has been filed for quashment of the First Information Report ('F.I.R.'), being Crime No. 165 of 2022 registered with Manatha Police Station, Dist. Nanded for the offences punishable under Sections 454, 457 and 380 read with Section 34 of the Indian Penal Code and consequential charge-sheet being R.C.C. No. 9 of 2023 pending on the file of J.M.F.C., Hadgaon.

3. It is a case of theft of an inverter and a battery from the farmhouse of the informant. During the period from 27th October to 02nd November, 2022 the said farmhouse was closed. When the informant returned to the field and opened the farmhouse, he found both these articles to have been missing. He, therefore, lodged the F.I.R. against an unknown person.

4. During investigation of the crime, involvement of co-accused was surfaced. He was interrogated. He made a disclosure statement under Section 27 of the Evidence Act, pursuant to which both the stolen articles came to be recovered at his instance alone. In his such disclosure statement, he named the present applicant as his accomplice in committing the very crime. There is nothing more than that. Admittedly, disclosure of the name of the present applicant during disclosure statement made by the co-accused is inadmissible in evidence. As such, there is no material to proceed against the present applicant. Therefore, directing him to stand trial would be an abuse of process of Court.

5. In view of above, criminal application is allowed in terms of prayer clauses (B) and (B1). The applicant shall deposit a sum of Rs.8,000/- (Rupees Eight Thousand) with this Court within a period of two weeks towards fees of the appointed counsel. Once the amount is deposited, same

be paid to Ms. Karishma Sarin, learned counsel appointed to represent Respondent No.2.

6. Stand over to 12th September, 2023, for compliance of order.

(SANJAY A. DESHMUKH, J.)
SSD

(R.G. AVACHAT, J.)