

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

CRIMINAL REVISION APPLICATION NO.60 OF 2023

Nazim S/o Mustak Qureshi,
Age: 32 years, Occ: Social work,
R/o: Zaker Galli, Sub-Jail Road,
Ahmednagar Tq. & District: Ahmednagar. ... **Applicant.**

Versus

The State of Maharashtra
Through Kotwali Police Station
Ahmednagar, Tq. & Dist. Ahmednagar. ... **Respondent.**

...
Advocate for Applicant-Petitioner : Mr. Magre Sunil G.
APP for Respondent-State : Mr. S. P. Sonpawale.
...

CORAM : S. G. MEHARE, J.
DATE : 21.04.2023

ORAL JUDGMENT :-

1. Rule. Rule made returnable forthwith and heard finally by consent of the parties.
2. The applicant has impugned the order rejecting the application for discharge by the learned Additional Chief Judicial Magistrate (Court No.10), Ahmednagar, below Exh.29, in RCC.No.1000 of 2019, dated 16.12.2022.
3. Learned counsel for the applicant has vehemently argued that bare statement of one witness under Section 161 of the

C.P.C. is insufficient to frame the charge against the applicant. The said witness never complained against the applicant. Hence, it cannot be received or considered for framing the charge.

4. Learned APP has strongly opposed the application. He would contend that the statement under Section 161 recorded during the course of the investigation is material to prosecute the accused and frame the charges. If such arguments are allowed, there would no charges framed against any of the accused.

5. Reading Sections 227 and 161 of the Cr.P.C., the Court is of the view that statements of the witnesses under Section 261 of the Cr.P.C. are the part of the record and it is a material useful for framing the charges. The arguments of the applicant are totally misdirected. Hence, cannot be accepted.

6. Learned Additional Chief Judicial Magistrate (Court No.10), Ahmednagar has correctly assigned the reasons for rejecting the application. The applicant has no ground to claim the discharge.

7. Hence, the Criminal Revision Application stands dismissed.

8. Rule stands discharged

(S. G. MEHARE, J.)

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vmk/-