

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO.109 OF 2023

Janardhan Akula Chandrappa,
Age 54 years, Occu. Legal Practitioner,
R/o. 14-113, Flat No.301, Shree Triveni Niwas,
Ram Nagar, P & T Colony, Saroma Nagar,
Rangareddy, Hyderabad, Telangana

.. Applicant
(Original Accused No.7)

VERSUS

The State of Maharashtra
Through The Police Inspector,
Supa Police Station, Taluka Parner,
District Ahmednagar

.. Respondent

...

Mr. Rahul R. Karpe, Advocate for Applicant;
Ms. V. N. Patil Jadhav, APP for Respondent

...

CORAM : S. G. MEHARE, J.

DATE : 28-06-2023

PER COURT:-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant has preferred this revision application against the order below Exhibit-1 passed by the learned Additional Sessions Judge, Ahmednagar, in Sessions Case No.156 of 2021, dated 17.01.2023, rejecting the application for discharge.

3. A sole statement of one of the witnesses P. Satish Kumar, has been referred to for claiming discharge. Reading his statement, it has been vehemently argued that he did not disclose that the applicant, a practicing lawyer, has protected the main accused. He has further argued that the said statement under Section 164 of the Code of Criminal Procedure (for short, "Cr.P.C.") is the only evidence against the applicant showing his involvement in the crime. However, it is not sufficient to frame a charge. Therefore, the application deserves to be allowed.

4. *Per contra*, the learned A.P.P. for the State would argue that the statement of the witness is the best material against the applicant to believe *prima facie* that the applicant provided shelter to the main accused. *Prima facie* material is available against the applicant for framing the charge.

5. Section 227 of the Cr.P.C. provides that if, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing.

6. Upon considering the record of the case and documents submitted therewith, it is essential to decide whether there were sufficient grounds for proceeding against the accused. Statements

of the witnesses under Sections 161 and 164 of the Cr.P.C. are part of the record, and that can be considered for framing the charge. It is not a cardinal rule that the record should be examined *piecemeal*; on the contrary, the rule is that the entire material on the record before the Court should be read as a whole.

7. The learned counsel for the applicant, reading the statement of witness P. Satish Kumar, tried to interpret that the applicant had no knowledge when he introduced him as an advocate to the witness that the co-accused had committed a crime. Statements under Section 161 or 164 of the Cr.P.C. are not a matter of interpretation at this stage. Its purpose is altogether different. The evidence of the witness before the Court is material, and such statements are used for omission and contradiction. On reading his statement, it *prima facie* reveals that when the applicant asked witness P. Satish Kumar to allow him to stay with him as a paying guest for one and half months, the Court is of the view that it is sufficient ground for proceeding against the accused. At the cost of repetition, it appears that the statement of the witness, which has been referred to by the learned counsel for the accused *prima facie*, shows that the applicant had provided shelter to the accused with the knowledge that he had committed a serious crime. Not only this, it seems that he had also contacted the other persons. From the statement of the said witness, it does not appear that the co-accused hired the services of the applicant as a

lawyer. Besides this, having a closed-door discussion with the co-accused, as stated by the witness, is another circumstance to believe that *prima facie* material is available against the applicant.

8. Perusal of the impugned order reveals that it is well reasoned. The learned Judge has correctly considered the material and dismissed the application. There appears to be no error in the impugned order. The revision application is without any foundation. Hence, the revision application stands dismissed.

(S. G. MEHARE)
JUDGE

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