

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

CRIMINAL APPLICATION NO.1199 OF 2022

Ajit Laxmanrao Kankal

... APPLICANT

VERSUS

The State of Maharashtra & anr.

... RESPONDENTS

.....
Mr. S.J. Salunke, Advocate for applicant

Mr. S.N. Morampalle, A.P.P. for respondents

.....

**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : 20th OCTOBER, 2023

ORDER :

Heard. This is an application for quashment of F.I.R. No.564/2021, registered with Pathri Police Station, District Parbhani for the offences punishable under Sections 328, 272, 273, 188 read with Section 34 of the Indian Penal Code and the consequential charge sheet and criminal proceedings bearing R.C.C. No.257/2022, pending before the District & Sessions Court, Parbhani.

2. From the co-accused, Pan Masala, scented tobacco

etc. came to be seized. It is he who disclosed the name of the applicant from whom he had bought those items. When called upon the learned A.P.P. to point out any material which could be converted into admissible piece of evidence against the applicant, nothing has been brought to our notice. As such, except the statement of the co-accused to the police, wherein he disclosed the name of the applicant as a supplier, there is nothing against the present applicant. The said material is inadmissible in evidence. As such, there is no case to proceed against the applicant. Hence, the application deserves and same is allowed in terms of prayer clauses (C), (C-1) and (C-2) .

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-