

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

CRIMINAL APPLICATION NO.1162 OF 2023

Mahesh s/o Sonyabapu Unwane ... **APPLICANT**

VERSUS

The State of Maharashtra & ors. ... **RESPONDENTS**

.....
Mrs. P.V. Langhe, Advocate for applicant
Mr. A.R. Kale, A.P.P. for respondents
.....

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

DATE : 25th AUGUST, 2023

ORDER :

Heard. Close reading of the F.I.R. and police papers indicates that there is no material which could be converted into admissible evidence against the applicant herein. The learned A.P.P. informs that the applicant himself has admitted before the concerned authorities his involvement in the crime in question, there are Call Data Records between him and the drug supplier. There is also material to indicate money changed hands between the two and that was necessarily towards consideration of purchase of the contraband.

2. The learned A.P.P. also informs that the applicant is

habitual and number of similar crimes have been registered against him. In this regard, it is stated that, law will take its own course and wherever there is material, the Court would necessarily proceed against the applicant.

3. We have considered the aforesaid submissions. The applicant's statement to the police authorities is inadmissible in view of Section 25 of the Evidence Act. Mere C.D.R. of telephone calls between the two accused and exchange of money do not mean the same was towards purchase of contraband material. As such, it is a case of no material to proceed against the applicant herein. In view of the same, the application is allowed in terms of prayer clause (B).

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-