

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

CRIMINAL APPLICATION NO.1083 OF 2021

Parmeshwar alias Praveen Shriram Kubade... **APPLICANT**

VERSUS

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

.....
Mr. Ashok D. Raut, Advocate for applicant
Mr. M.M. Nerlikar, A.P.P. for respondents
.....

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

DATE : 15th JUNE, 2023

ORDER :

Heard. Issue notice to respondents. Learned A.P.P. waives service for the respondents. Heard finally at the admission stage with the consent of learned counsel appearing for the parties.

2. Learned counsel for the applicant submitted that the applicant is falsely implicated in this crime. He was not possessing the prohibited arms. However, he is charged with Sections 4/25 of the Arms Act. The charge sheet is filed. Perused the charge-sheet. The applicant was proceeding by the road. He just went on the spot and police arrested him under the suspicion only. His mobile

handset was seized. No arm is seized from him. There is no prima facie case as against the present applicant. Therefore, the F.I.R. and the charge sheet deserve to be quashed as against the present applicant. Considering the above, we are inclined to allow the application. Hence the order :

ORDER

- (i) The Criminal Application is allowed in terms of prayer clause (b).
- (ii) The F.I.R./ C.R. No.0070/2021, registered with Vimantal Police Station, Taluka and District Nanded for the offence punishable under Sections 4 and 25 of the Arms Act and under Section 34 of the Indian Penal Code and the Charge Sheet No.23/2021, registered as R.C.C. No.381/2021 are hereby quashed as against the present applicant.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-