



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

998 CRIMINAL APPLICATION NO.1980 OF 2022

Mahaveer @ Anna Sadashiv Ingle.

... Applicant

Versus

1. The State of Maharashtra.
2. Amar Atmaram Gaikwad.

... Respondents

...
Mr. Bhagwan V. Thombre & Mr. S. M. Gunjal, Advocate for Applicant.
Mr. A. R. Kale, APP for Respondent/State.
Mr. V. P. Bakal, Advocate for Respondent No.2. (Appointed).

...

CORAM : R. G. AVACHAT and
SANJAY A. DESHMUKH, JJ.

DATE : 12th December, 2023.

Per Court:

. Heard.

2 The FIR has been lodged by the Manager of the Beer Bar. According to him, on the intervening night of 30th September, 2014 and 1st October, 2014, the Bar was broken open and theft of liquor bottles of various descriptions, amounting to Rs.1,97,618/- was committed. The FIR was registered against unknown persons. On investigation, the charge-sheet has been filed against ten persons. The charge-sheet has also been filed against the present applicant, contending him to have been absconding.

3 With the assistance of the learned APP and even the learned counsel representing respondent No.2, we have gone through each and every paper of investigation. We come across no material, which could be converted into admissible piece of evidence, so as to make the applicant stand trial for the alleged offence. As such, it is a case of no material to proceed against the present applicant. Therefore, in spite of there being a strong objection of the learned APP and the learned counsel for respondent No.2, we have no option but to allow the application. The application is, therefore, allowed in terms of prayer clauses (B) and (C).

4 The fees of the appointed counsel is quantified as Rs.12,000/- and it is to be paid through the High Court Legal Services Sub-Committee, Aurangabad.

[SANJAY A. DESHMUKH, J.]

[R. G. AVACHAT, J.]

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