

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

CRIMINAL APPLICATION NO.3074 OF 2023

Shriram @ Rama Nivrutti Kadam

... Applicant

Versus

1. The State of Maharashtra.

2. Sangita w/o Ramesh Badak.

... Respondents

...

Mr. B. G. Sagade, Advocate for Applicant.

Mr. R. V. Dasalkar, APP for Respondent No.1 / State.

Mr. Mr. N. R. Thorat a/w Mr. S. J. Gaike, Advocate for Respondent No.2.

...

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

DATE : 01st September, 2023.

Per Court:

. Not on board. Mentioned. Taken on board.

2 Heard.

3 The respondent/informant has filed her affidavit giving express consent to allow the present application.

4 The learned APP has strong reservation on the ground that there are in all eight accused persons and the

respondent/informant is settling the matter selectively only with one of those accused.

5 The learned counsel for respondent/informant would submit that when she lodged the FIR, she was in confusion as to whether the present applicant was one of the culprits.

6 We have perused the FIR. The applicant has been specifically named in the FIR attributing him with some overt act. The informant was in confusion as to whether the applicant was one of the accused. When she comes with a case that she was in confusion as to the presence of the present applicant in commission of the offence, the same suggests that the FIR has been lodged with some ulterior motive and afterthought. The other accused may avail the benefit of this order in the Trial Court.

7 In view of the above, since the respondent/informant gives express consent, we allow the application in terms of prayer clauses (B) and (C).

[SANJAY A. DESHMUKH, J.]

[R. G. AVACHAT, J.]

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