



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

...

CRIMINAL APPLICATION (APL) NO.1286/2022

Dinesh Narayanrai Thotange

..Applicant

versus

The State of Maharashtra and others

..Respondent/s

.....
Mr.N.R.Tekade, Adv. for the applicant

Ms.Shamsi Haider, APP for the Respondent no.1

Ms. M.Z.Haq h/for Mr.A.R.Deshpande, Adv.for Respondents 2 to 4
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CORAM: ANIL L. PANSARE, J.

DATED : 13th September, 2023.

PC:

Heard.

2. Mr N.R.Tekade, the learned counsel for the applicant/ original informant submits that the non-applicant nos.2, 3 and 4, who were accused Nos.1, 2 and 4, were discharged by the learned Additional Sessions Judge, Akola vide order dated 04.01.2022. The said order is challenged in the present application. He further submits that the accused nos.3,5 and 6 had also filed an application seeking discharge, which came to be rejected by the learned Additional Sessions Judge, vide order dated 31.05.2017 passed below Exh. 36. The said accused filed Criminal Revision No.77/2017 challenging the said order and this Court vide order dated 15.11.2017 has allowed the Revision and discharged the accused. The order of this court was challenged before the Hon'ble Supreme Court, but in vain.

3. The learned counsel for the applicant fairly submits that the role played by the present non-applicants and the accused who have

been discharged by this Court is identical and, therefore, nothing survives to be decided in the matter.

3. Ms.Shamsi Haider, the learned APP has acceded to the proposition.

4. In view thereof and for the reasons stated in the order dated 15.11.2017 in Criminal Revision Application No. 77/2017, the instant Application is dismissed.

[ANIL L. PANSARE, J.]

sahare