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919criwp187.24

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

919 CRIMINAL WRIT PETITION NO. 187 OF 2024

ASHOK KASHINATH SONAWANE AND OTHERS

....Petitioners

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

.....Respondents

Mr. G. D. Jain, Advocate h/f Mr. M. S. Sonwane, Advocate for
the petitioners

Mr. S. B. Jadhav, APP for the respondents/State

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 25th JANUARY, 2024

P. C.

1. The application filed by the petitioners is rejected by the learned trial court and the said order is confirmed in the criminal revision filed by the petitioner.

2. Crime No.3/2021 is registered with Cyber Police Station, Dhule against the petitioners for the offences punishable under Sections 419, 420, 201 read with Section 34 of the Indian Penal Code and Sections 43(a), 65, 66 A(f) of the Information Technology Act, 2000.

3. In short the prosecution case is that accused Nos. 2 and 3 registered a partnership firm and they were doing business of sale of Paithani Sarees, beautician products, chargeable batteries, gas saver, ladies purse etc. and other products. They started said business in June, 2018 and their office was situated at Garud Complex, Parola Road, Dhule. Informant Uday Wankhedkar and eight others were core committee members of the said partnership firm. Business was giving good returns of and all associates including informant were earning handsome commission. Since there was demand increased in demand of Paithani Saree and since the commission which was being paid was at higher rate, it was not possible for the accused to give handsome commission to all the associates. Accused therefore decided to reduce commission. Though informant opposed to the same, partners reduced the commission of the associates and thereby cheated them. Charge-sheet came to be filed in the present crime on 14-06-2022.

4. Petitioners/accused filed an application under Section 239 of the Code of Criminal Procedure seeking discharge. Trial court rejected the application and revisional court has confirmed the said order in Criminal Revision No. 34/2023.

5. Perusal of record indicates that prima-facie case for commission of offence charged against the petitioner is made out. At this stage therefore, it cannot be said that charge against the petitioners is groundless. Revisional court has observed that recording of evidence is necessary in the present case and at this stage it cannot be said that no criminal case is made out against the petitioner. Both the courts have recorded concurrent findings of fact, which are not liable to be interfered with in extraordinary writ jurisdiction. Criminal writ petition being devoid of merits is dismissed.

[NITIN B. SURYAWANSHI, J.]