



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

46 CRIMINAL APPLICATION NO. 2131 OF 2023

SANJAY S/O MURLIDHARRAO MANNIKAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Sachin Subhash Panale

APP for Respondent No. 1 : Mr. M.M. Nerlikar

Advocate for Respondent No. 2 : Mr. Quazi Mubashir (appointed)

CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 18.03.2024

PER COURT :

We have heard both the sides.

2. The applicant is one of the two accused facing Special Case No. 16/2022 pursuant to a Crime No. 304/2021, registered with Udgir City police station, District Latur, for the offences punishable under Sections 448, 504, 506 read with Section 34 of the Indian Penal Code and under Sections 3(1)(g), 3(1)(r), 3(1)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 pending before the Special Judge, at Udgir. He is seeking quashment of the crime and the criminal case.

3. Suffice for the purpose to observe that the incident as alleged in the F.I.R. attributes exactly the same role to both the accused. In Criminal Application No. 1792/2022, by the order dated 31.01.2023, this Court has quashed the crime and the criminal case to the extent of the co-accused Laxmikant Shridharrao Madhware.

4. Since it is a matter of quashment of a crime, in our considered view,

since the prosecution has suffered the order in respect of the co-accused, even the crime and the criminal case to the extent of the applicant deserves to be quashed for the self same reasons.

5. The Criminal Application is allowed. Crime No. 304/2021, registered with Udgir City police station, District Latur, for the offences punishable under Sections 448, 504, 506 read with Section 34 of the Indian Penal Code and under Sections 3(1)(g), 3(1)(r), 3(1)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and the Special Case No. 16/2022, pending before the Special Judge, at Udgir, are quashed and set aside as against the applicant.

6. We quantify the fees of the learned advocate Mr. Quazi, appointed on behalf of respondent no. 2 to be Rs. 2000/- (Rs. Two Thousand only), to be paid by the High Court Legal Services Authority.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-