



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

**928 CRIMINAL WRIT PETITION NO. 1439 OF 2023**

**AKSHAY SHASHIKANT SHAHANE**

.....Petitioner

**VERSUS**

**THE STATE OF MAHARASHTRA**

.....Respondent

.....

Mr. Shekade Shashikant E, Advocate for the Petitioner  
Mr. N.D. Batule, APP for the State,  
Mr.Yuvraj S. Chaudhari, Advocate, assist to PP.

**CORAM : Y. G. KHOBRADE, J.**

**Dated : 24th October, 2024**

**PER COURT :-**

1. Heard the learned counsel for the respective parties. I have gone through the record.

2. By the present Petition, the Petitioner challenges the order dated 30.08.2023 passed by the learned Sessions Judge, Beed in Criminal Revision Application No. 46 of 2023, whereby the order passed by the Chief Judicial Magistrate, Beed refusing PCR dated 17.06.2023 in Crime No. 125 of 2023 registered with Beed City Police Station, is quashed and set aside.

3. On face of record, it appears that Vaibhav Shahane, informant, lodged a report with Beed City Police Station alleging

that he is owner of shop namely Vyenkatesh Trader. The accused/present petitioner was working with them as servant and was handling the affairs of the shop. Other five persons were also working in the shop. The area of shop is covered under the CCTV camera and within a span of one or two months, the informant audited the shop. On 14.05.2023 Mr. Vyenkatesh, son of the informant checked the transaction and found something fishy and also found tampering with some software used for saving the contacts and important details and modification of login status. On the basis of the same, report bearing Crime No. 125 of 2023 registered against the petitioner accused. Accordingly the present petitioner came to be arrested on 15.06.2023 and he was produced before the learned Chief Judicial Magistrate. The Petitioner was remanded in Police Custody for two days and subsequently, he was taken in magistral custody.

4. Being aggrieved by the said order, the prosecution filed Criminal Revision No. 46 of 2023, challenging the order of remanding the accused in MCR. On 30.08.2023, the learned Revisional Court passed the impugned order and set aside the order dated 17.06.2023 passed in Crime No. 127 of 2023. Being aggrieved by the said order, the petitioner accused has filed the

present petition.

5. It is submitted that the Petitioner was in magistral custody and on 17.06.2023, the learned trial Court enlarged him on bail. In view of the above, the cause of action in the present case does not survive. Hence, the Writ Petition is disposed off.

**( Y. G. KHOBRA G ADE, J. )**

Chavan