



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

**CRIMINAL APPLICATION NO.4675 OF 2024**

Akash S/o Somnath Shingate,  
Age-23 years, Occu:Private Service,  
(Mahindra Logistic),  
R/o-Wadoli Bk., Tq-Shevgaon,  
District-Ahmednagar,  
At present R/o-Tapkir Nagar,  
Near Gajanan Mandir, Alandi,  
Tq-Khed, Dist-Pune.

**...APPLICANT**

**VERSUS**

- 1) The State of Maharashtra,  
Through its Investigation Officer,  
Shevgaon Police Station,  
Tq-Shevgaon, Dist-Ahmednagar,
- 2) Sangita W/o Vitthal Solat,  
Age-42 years, Occu:Agri.,  
R/o-Wadule Bk., Tq-Shevgaon,  
Dist-Ahmednagar.

**...RESPONDENTS**

...  
Mr. Narayan B. Narwade Advocate for Applicant.  
Ms. R.P. Gour, A.P.P. for Respondent No.1.  
...

**CORAM: SMT. VIBHA KANKANWADI AND  
ROHIT W. JOSHI, JJ.**

**DATE : 29<sup>th</sup> NOVEMBER, 2024**

**ORDER [PER SMT. VIBHA KANKANWADI, J.] :**

1. Present application has been filed under Section 482 of the Code of Criminal Procedure for quashing the proceedings in R.C.C. No.195 of 2023 pending before the learned Judicial Magistrate First Class, Shevgaon, District-Ahmednagar for the offence punishable under Sections 324, 323, 143, 147, 148, 504, 506, 427 of the Indian Penal Code, arising out of Crime No.413 of 2023 registered with Shevaon Police Station, dated 11<sup>th</sup> May 2023.

2. Heard learned Advocate Mr. Narwade for the applicant and learned APP Ms. Gour, who waives service of notice for respondent No.1. Perused the First Information Report (for short "the FIR") and the charge-sheet.

3. It is to be noted that the present applicant has been arrayed as accused No.4. His presence has been clearly stated in the FIR and it has been stated that all of the accused persons had abused, threatened and assaulted the informant and other witnesses. Thus, it is to be noted that the prosecution story is that nine accused persons named in the FIR, formed unlawful

assembly and when they were armed with the deadly weapons i.e. iron rod, they have committed the act and it is stated that the said incident had taken place on the count of earlier dispute, which is stated to be the common object.

4. Now, it is tried to be contended on behalf of the applicant that he was not present at the spot when the alleged incident had taken place. He is serving in Mahindra and Mahindra company at Chakan. The applicant was in the company on his duty on 11<sup>th</sup> May 2023 and it can be demonstrated from the biometric generated in the company and the attendance register. It is stated that he boarded the bus from Shikrapur to Shevgaon on 11<sup>th</sup> May 2023 around 17.08.27 hours and in order to support the same, he has produced ticket by the Maharashtra State Road Transport Corporation.

5. At the outset, we would like to say that if a plea of alibi is taken by an accused, then the burden of proof that he was at a different place, would lie upon him. The documents on which the applicant wants to rely, need evidence, which he can adduce at the time of trial and therefore, those documents cannot be considered. Those documents cannot be said to be undisputed

documents. Further, when the informant and the witnesses have stated about the presence and role of the applicant, then it will not be a fit case where we can exercise our inherent powers under Section 482 of the Code of Criminal Procedure.

6. Therefore, the application is rejected at the threshold.

**[ROHIT W. JOSHI]**  
**JUDGE**

**[SMT. VIBHA KANKANWADI]**  
**JUDGE**

asb/DECE24