

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**REVISION APPLICATION (ST) NO. 212 OF 2019
ALONGWITH
CRIMINAL APPLICATION NO. 188 OF 2019**

Rohit Vasant Patane ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Samarth Moray a/w Mr. Abhishek Jani	Advocate for the Applicant
Mr. V. N. Sagare	APP for the Respondent-State

**ALONGWITH
REVISION APPLICATION (ST) NO. 201 OF 2018
ALONGWITH
CRIMINAL APPLICATION NO. 211 OF 2018
(Not on board. Taken on board)**

Swapnil Shashikant Patane ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. V. S. Talkute	Advocate for the Applicant
Mr. V. N. Sagare	APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 19th APRIL 2024

P. C. :-

1. Heard learned Advocate for the Applicants and learned APP.

2. Both of them were acquitted by the Court of the Special Judge, Pune on 10/12/2015 for the offence punishable under Section 8 of the Prevention of Corruption Act and under Section 109 of the Indian Penal Code respectively. Accused No. 1-Rohit charged for Section 8 of the Prevention of Corruption Act and accused No. 3-Swapnil charged for 109 of the Indian Penal Code. As against the said judgment, State has preferred an Appeal No. 586 of 2018. While acquitting both the Applicants, the trial Court has given certain findings against both of them that is why they intend to prefer a revision. However there is delay.

3. Cause of action for filing of the revision occurred on 16/03/2018, when this Court has granted leave to the State and appeal was admitted. Learned APP opposed the prayer for condonation of the delay.

4. It is true that correctness of the said judgment will be seen while dealing with the Appeal. In that appeal both these Applicants are Respondents. They are going to argue how the findings on certain issues is against them. Additionally, they have filed revision.

5. In view of the peculiar facts, the delay needs to be condoned.

Hence order :--

ORDER

- (i) Criminal applications are allowed and delay is condoned.
 - (ii) Both Applications i.e. Criminal Application Nos. 188 of 2019 and 211 of 2018 are disposed of.
 - (iii) Copy of the revision applications (ST) No. 212 Of 2019 and Revision Application (ST) No. 201 Of 2018 be served on office of the Public Prosecutor.
6. Appeal against acquittal is already admitted. **Let both these revisions be also admitted.** These two revisions be tagged with the criminal appeal.

CRIMINAL APPEAL NO. 586 OF 2018

The State of Maharashtra

...Appellant

vs.

Rohit Vasant Patane and Anr.

...Respondents

Mr. V. N. Sagare	APP for the Appellant-State
Mr. Dushyant Digambar i/by Mr. Aniket U. Nikam	Advocate for the Respondent No. 1
Mr. V. S. Talkute	Advocate for Respondent No. 2

1. This appeal is already admitted.

2. The Respondents-original accused are represented by respective advocates.

3. All these matters be kept on **20th June 2024**.

REVISION APPLICATION NO. 201 OF 2018

Pralhad Pandurang Patil

...Applicant

vs.

The State of Maharashtra

...Respondent

Ms. Sulajja Patil i/by Mr. Meghashyam K. Kocharekar	Advocate for the Applicant
Mr. V. N. Sagare	APP for the Respondent-State

1. In fact this matter is wrongly shown on the board alongwith Criminal Appeal No. 586 of 2018. Criminal Appeal No. 586 of 2018 is against judgment of the acquittal for offence under the Prevention of Corruption Act. Whereas this revision is against the Order of the refusal of discharge dated 27/02/2018 passed by the Court of the Additional Sessions Judge, Raigad at Alibag. It is submitted by learned Advocate for the Applicant that the matter is finally decided on merits after full fledged trial on 18/03/2024 and the Applicant-accused is acquitted. The copy of that judgment is tendered. It is taken on record and marked as 'Annexure-A'.

2. Even though the matter is shown wrongly on board, its file is not placed. Let Office to send the papers.
3. Learned Advocate for the Applicant had shown me the copy of the revision application.
4. In view of that this revision becomes infructuous and it is disposed of.

[S. M. MODAK, J.]