

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 3049 OF 2023****IN****CRIMINAL APPEAL NO. 376 OF 2019**

Central Bureau Of Investigation

.....Applicant

Vs.

Bhimraj @ Bhimrao Rohidas Ghadge

.....Respondent

Mr. Kuldeep Patil a/w. Adv. Saili Dhuru & Adv. Rohin Chauhan for the Applicant-CBI.

Mr. S.V. Gavand APP, for the Respondent-State.

Mr. Bhimraj R. Ghadge, Respondent present in person.

Mr. Karansingh Rajput, Amicus-cuariae.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 1st APRIL, 2024.

PC:-

1) This is an Application preferred by the C.B.I., Delhi for the following reliefs.

“a. directions may kindly be issued to the Hon’ble Court of Additional Sessions Judge, Kalyan for handing over the bullet seized in FIR No.125/2016 of PS Bazarpeth, Thane (Sessions Case No.304/2016) to CBI for the purpose of investigation of CBI case RC.06(S)/2022-SC-III.

ai. This Hon'ble court may pass appropriate direction and direct that all the records and proceedings including the muddemal articles in sessions case no.304 of 2016 on the file of Ld. Addl. Sessions Judge Kalyan which arouse out of FIR bearing C.R. No.125 of 2016 registered at

Bazarpeth police station, Dist- Thane be handed over to Central Bureau of Investigation for the purpose of investigation of CBI Case No.RC.06(S)/2022-SC-III”

2) Heard Mr. Patil learned Advocate for the CBI, Mr. Gavand, learned APP for the State, Mr. Bhimraj @ Bhimrao R. Ghadge, Respondent in-person and Mr. Karansingh Rajput, learned amicus-cuariae. Perused record.

3) Present Appeal is preferred by the State of Maharashtra under Section 378(1) of Cr.PC. against the Judgment and Order dated 28th September, 2017, passed by the learned District Judge-2 and Additional Sessions Judge, Kalyan in Sessions Case No.304 of 2016, acquitting the Respondent Mr. Bhimraj @ Bhimrao R. Ghadge for the offence punishable under Sections 307 and 341 of the Indian Penal Code.

3.1) Record indicates that, the Respondent Mr. Bhimraj @ Bhimrao R. Ghadge had lodged FIR No.0277 of 2021, initially with the City Kotwali Police Station, Akola on 28th April, 2021, subsequently transferred to Bazaar Peth Police Station at Kalyan, having C.R. No.105 of 2021 dated 29th April, 2021.

4) Mr. Param Bir Singh had filed a Criminal Appeal against the State of Maharashtra & Ors. bearing No.473 of 2022 in the Hon'ble Supreme Court for various reliefs. The Hon'ble Supreme Court by its Order dated 24th March, 2022, has directed the CBI to investigate the further

proceedings.

4.1) The Hon'ble Supreme Court by its Order dated 24th March, 2024 (internal page No.10) has passed the following directions:-

“We thus, direct the further proceedings and investigations into the five FIRs and three PEs to be transferred to the Central Bureau of Investigation with all the records being handed over within one week from today by the State police authorities.”

5) In view of this brief premise, present Application is filed by the C.B.I., Delhi for the aforementioned reliefs.

6) During the course of arguments, the Respondent Mr. Bhimraj @ Bhimrao R. Ghadge who is personally present in the Court gave his no objection for allowing the Application and granting all reliefs as prayed for by the C.B.I., Delhi.

7) As noted above, the Hon'ble Supreme Court has issued directions that, the further proceedings and investigation into five crimes mentioned in the said Order to be transferred to the CBI with all the records being handed over to it within stipulated period. Present crime is one of the said five crimes referred to by the Hon'ble Supreme Court.

8) In view of the above, Application is allowed in terms of prayer clauses (a) and (ai).

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
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MASHALKAR
Date: 2024.04.16
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