

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

CRIMINAL REVISION APPLICATION NO.29 OF 2024

Yashwantrao Sadashiv Deshmukh

Age : about 51 Years, Occu. : Service,

Residing at : 201, Krupa Heights

Co-operative Housing Society,

Ashtavinayak Nagar, New Link Road, ...Applicant

Borivali, Mumbai : 400 032. (Original Accused No.5)

Versus

1. **The State of Maharashtra**
(At the instance of Sr.Inspector
of Police, Kasturba Marg Police Station) ...Respondent No.1
2. **Deepak Bhaskar Khambit**
Age : about 51 Years, Occu. : Service,
Residing at : A – 1902, Aquaria Grande,
Devidas Lane, Near St. Lawrence High ...Respondent No.2
School, Borivali (West), Mumbai : 400103. (First Informant)

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**WITH
CRIMINAL REVISION APPLICATION (ST) NO.6 OF 2024**

Shrikrishna Sadashiv Mohite

Age : 48 Years, Occu. : Govt. Service,

Residing at : B/1005, Jangid Heights,

Ghodbunder Road, Kapurbawadi, ...Applicant

Thane (W) – 400 067. (Original Accused No.4)

Versus

1. **The State of Maharashtra**
(At the instance of Kasturba Marg
Police Station) ...Respondent No.1

2. **Deepak Bhaskar Khambit**

Age : 51 Years, Occu. : Service,

Residing at : A – 1902, Aquaria Grande,

Devidas Lane, Near St. Lawrence High ...**Respondent No.2**

School, Borivali (West), Mumbai : 400103. (**First Informant**)

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Mr.Raja Thakare–Senior Advocate i/b. Mr.Siddharth Jagushte:-	Advocate for Applicant in Revision Application No.29 of 2024.
Mr.Ashok Mundargi–Senior Advocate a/w Mr.Sandeep S. Salunkhe, Mr.Chaitanya Mulwakar, Mr.Shubhak Paygude and Mr.Rushikesh K. Gaikwad:-	Advocates for Applicant in Revision Application (ST) No.6 of 2024.
Mr.Ashok Gawai:-	APP for Respondent No.1–State.
Advocates for Respondent No.2-First Informant. Mr.Laxmikant Shukla (Through V.C.) a/w Mr.Chandan J. Jaiswal and Ms.Artri R. Dharmase:-	Advocates for Respondent No.2-First Informant. Mr.Laxmikant Shukla (Through V.C.) a/w Mr.Chandan J. Jaiswal and Ms.Artri R. Dharmase:-

CORAM : S. M. MODAK, J.

DATED : 21st AUGUST 2024

P. C. :

- For the reasons recorded separately, which are under typing, following order is passed:-

ORDER

- Criminal Revision Application No.29 of 2024 filed by the

Applicant - **Yashwantrao Sadashiv Deshmukh** (Original Accused No.5) is **allowed**.

- (ii) The Applicant - **Yashwantrao Sadashiv Deshmukh** (Original Accused No.5) is **discharged** from the commission of the offences under Sections 307, 324, 201, 120-B read with 34 of IPC and under Sections 3, punishable under Sections 25 and 27 of the Arms Act read with Section 37(1)(A) punishable under Section 135 of the Maharashtra Police Act.
- (iii) The **impugned order** dated **26th October 2023** passed by the City Civil and Sessions Court, Borivali Division, Dindoshi, Mumbai rejecting the Discharge Application (Exhibit-28) filed in Sessions Case No.128 of 2022 of Applicant - **Yashwantrao Sadashiv Deshmukh** is **set aside**.
- (iv) Bail bonds furnished by Applicant - **Yashwantrao Sadashiv Deshmukh** (Original Accused No.5) stand cancelled.
- (v) **Criminal Revision Application (ST) No.6 of 2024** filed by the Applicant - **Shrikrishna Sadashiv Mohite** (Original Accused No.4) is **dismissed**.

2. Learned Advocate Mr.Salunkhe for the Applicant - **Shrikrishna Sadashiv Mohite** submitted that already there is an interim relief not to proceed. It is in force. He wants to challenge the said order.

3. Let, that interim order to continue for four (4) weeks.

[S. M. MODAK, J.]