

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

CRIMINAL REVISION APPLICATION NO.29 OF 2024

Yashwantrao Sadashiv Deshmukh	...Applicant
vs.	
State of Maharashtra	...Respondent

**WITH
CRIMINAL REVISION APPLICATION (ST) NO.6 OF 2023**

Mr. Shrikrishna Sadashiv Mohite	...Applicant
vs.	
The State of Maharashtra and Anr.	...Respondents

Mr. Raja Thakare, Senior Advocate i/b. Mr. Siddharth Jagushte:	Advocate for Applicant in REVN/29/2024.
Mr. Sandeep Salunkhe:	Advocate for Applicant in REVN(ST)/6/2024.
Mr. Laxmikant Shukla a/w Mr. Chandan Jaiswal, Ms. Arti Dharamsey, Ms. Asha Joshi, Ms. Kavita Shukla:	Advocate for the Complainant – Respondent No.2.
Mr. V.N. Sagare:	APP for the Respondent – State.
Mr. Shashikant Jagdale:	Sr. Inspector of Police, Kurar Police Station present.

**CORAM : S. M. MODAK, J.
DATE : 13th MARCH 2024**

P. C. :-

Cri. Revision Application No.29 of 2024

1. Today, learned Advocate for the first informant submitted that if in future the first informant wants to file reply he can seek oral permission and then file it. This is because already time was granted for almost three weeks to file reply and today, learned Advocate for the first informant strenuously pointed out the materials from the charge-sheet. Therefore, it seems that he is comfortable in pointing out the materials.

2. Let both the Applicants to carry out amendment on the basis of direction given on 20th February 2024 forthwith by adding the first informant as party Respondent.

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3. Today, learned Senior Advocate Shri. Mundargi is busy in some other Court that is why, learned Advocate Shri. Sandeep Salunkhe has assisted the Court in hearing both the matter. He submitted that they have filed all the papers comprising the charge-sheet.

4. I have heard learned Senior Advocate Shri. Thakare in Revision Application No.29 of 2024, learned Advocate for the first informant

and learned APP for State.

5. According to Mr. Thakare :--

- a. both these Applicants are not the assailants.
- b. but the role assigned to them is of conspirator.

6. In nutshell, he explained the prosecution case as follows :-

- (a) there are 6 charge-sheeted accused persons.
- (b) Accused Nos.1 and 6 are the assailants.
- (c) There is allegation that Accused Nos.4 and 5 have given
'Supari' to Accused No.3.
- (d) There is allegation that Accused No.3 has hired services
of Accused Nos.1 and 6.
- (e) There is further allegation that Accused No.2 is driver of
Accused No.3 at the time when the car was driven on
earlier incident and not main incident.

7. Whereas, learned APP and learned Advocate for the first informant has pointed out the following materials. There are statements of witnesses recorded under Section 161 of Cr.P.C. A separate compilation filed on behalf of the first informant is taken on record and marked as Annexure 'X'. in nutshell, they made following

submissions :--

- a. Accused Nos.4 and 5 who are Junior Engineers have blamed first informant for not giving promotion and the statements of the witnesses including Durgavati Yadav which throws light on this aspect.
- b. There is also statement of witnesses on the point of sim card in the name of the Applicant No.5 – Mr. Mohite.

8. Whereas, by way of reply, learned Senior Advocate Mr. Thakare submitted that in fact, there is a statement of witness Durgavati Yadav recorded under Section 164 of Cr.P.C., whereas, she has not reiterated the facts which she has stated before the police. The statement under Section 164 is taken on record and marked as Annexure 'X'.

9. He also invited my attention to :--

- a. copy of joint complaint made by few of the Junior Engineers to Deputy Municipal Commissioner, Mira Bhayander Municipal Corporation dated 27th May 2021 making a grievance for denying promotion to them. It is on page 359.
- b. He further submitted that these Applicants along with

others have succeeded in Writ Petition filed in this Court because they were wrongly shown as failed.

The first informant is at liberty to make his submissions so far as the Writ Petition is concerned. Parties are at liberty to point out those documents from the record.

10. On the next date, this Court will hear both the Revisions.

11. Let learned APP and learned Advocate for the first informant :--

A. to go through the materials including correspondence alleged to be made by Accused Nos.4 and 5 to the Authorities and

B. whether it connects to the first informant.

12. As directed earlier, let learned trial Court to defer framing of the charge till next date.

13. Stand over to **3rd April 2024**.

[S. M. MODAK, J.]