

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

CRIMINAL REVISION APPLICATION NO. 107 OF 2023

Yunus Razzak Shaikh

...Applicant

vs.

State of Maharashtra and Anr.

...Respondents

Mr.Abid Mulani i/b. Mr.Ashish P. Agarkar:-	Advocate for Applicant.
Mr.Amin Solkar (Special Public Prosecutor) a/w Ms.Misbaah Solkar, Mr.Umang Shah, Mr.Gaurav Shenoy, Mr.Lavanya Salve:-	Advocates for Respondent-State.

**WITH
CRIMINAL REVISION APPLICATION NO. 66 OF 2023**

Irfan Husain Miyan Qazi

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr.Majeed Memon a/w Ms.K.Joseph, Mr.Tapish Jain, Mr.Mateen Qureshi, Mr.Khalil Girkar i/b. Mr.Kishan Choudhari:-	Advocates for Applicant.
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Mr.Amin Solkar (Special Public Prosecutor) a/w Ms.Misbaah Solkar, Mr.Umang Shah, Mr.Gaurav Shenoy, Mr.Lavanya Salve:-	Advocates for Respondent-State.
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**WITH
CRIMINAL REVISION APPLICATION NO. 144 OF 2024**

Bahubali Tatyaso Dhamane ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr.S.M.M.Owais T. Jahagirdar a/w Mr.Sultan Khan:-	Advocates for Applicant.
Mr.Amin Solkar (Special Public Prosecutor) a/w Ms.Misbaah Solkar, Mr.Umang Shah, Mr.Gaurav Shenoy, Mr.Lavanya Salve:-	Advocates for Respondent-State.

CORAM : S. M. MODAK, J.

DATE : 15th APRIL 2024

P. C. :-

CRIMINAL REVISION APPLICATION NO. 144 OF 2024

1. Heard reply arguments of learned Advocate for the Applicant in Criminal Revision Application No. 144 of 2024.

He reiterated the earlier submissions and according to him, even though the Prosecution alleges that his client being an RCC Consultant has worked with Accused No.1 - Vivek Dongare in respect of this project, there are no documents to suggest that he has worked as RCC Consultant. Even on perusal of the statement of the witness Shri.Marathe, it can't be said that his client has prepared the RCC plan. According to him, during investigation, none of the documents like plan, license, any agreement submitted by his client for the project, they are collected during investigation. The written submissions are taken on record and marked as Annexure-A.

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2. Learned Advocate Mr.Memon in Criminal Revision Application No.66 of 2023 invited my attention to the submissions of Mr.Solkar recorded in the order dated 21st March 2024 and more specifically Para No.3(i). He placed on record a copy of commencement certificate dated 11th May 2011 issued by Mahad Municipal Council and more specifically Para No.3. **It is taken on record and marked**

as Annexure-B. There is a table showing floors sanctioned. It consists of a stilt and the Sr.No.6 is stilt and above fourth floor. Whereas, according to Mr.Solkar, the submission is not correct. In fact, there is no sanction plan for the fifth floor.

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3. Heard reply arguments by learned Advocate Shri.Agarkar. It is submitted that he is son of the owner of the land and except stray references in the statement of the witnesses, there are no documents.

4. He relied upon the observations in the judgment of ***Benny v/s. State of Kerala***¹ and more specifically, Para No.14 wherein the provisions of Section 304-A on one hand and Section 304 of IPC are interpreted.

5. All the sides in all revisions have closed their arguments. Stand over to **29th April 2024 for query if any** . To be listed as “**Part Heard**”.

[S. M. MODAK, J.]

¹ 1991 SCC OnLine Ker 325