

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

CRIMINAL REVISION APPLICATION NO.107 OF 2023

Yunus Razzak Shaikh

Age : about 39 Years, Occu. : Welding
Workshop, Residing at : House No.539,
Yunus Complex, Sultan Lane,
at Post Mahad, Taluka Mahad,
District : Raigad.

...Applicant
(Original Accused No.6)

Versus

1. **The State of Maharashtra**
(Through Mahad City Police Station) ...Respondent No.1
2. **Suhas Sitaram Kamble**
Age : about 50 years, Occu. : Service,
Residing at : Flat No.205, 2nd Floor,
Laxmi Apartment, Kakartale, Mahad, ...Respondent No.2
Taluka : Mahad, District : Raigad. (First Informant)

Mr.Abid Mulani i/b. Mr.Ashish P. Agarkar:-	Advocates for Applicant.
Mr.Amin Solkar – Special Public Prosecutor a/w Mr.Umang Shah:-	Advocates for Respondent-State.
Mr.A.D.Kamkhedkar:-	APP for State.

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

Irfan Husain Miyan Qazi

Age : 43 Years, Occu. : Business,
Residing at : House No.56, Diwan
Mohalla, Bhatila Rasta, Taloja Pachnand,
Taluka : Panvel, District : Raigad, ...Applicant
Navi Mumbai : 410 208. (Original Accused No.8)

Versus

1. **The State of Maharashtra**

(At the instance of Mahad City
Police Station, District : Raigad
in C.R. No. 79 of 2020). ...Respondent

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Mr.Majeed Memon a/w Mr.Tapish Jain, Mr.Mateen Qureshi i/b. Mr.Kishan Chaudhari:-	Advocates for Applicant.
Mr.Amin Solkar – Special Public Prosecutor a/w Mr.Umang Shah:-	Advocates for Respondent-State.
Mr.A.D.Kamkhedkar:-	APP for State.

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**WITH
CRIMINAL REVISION APPLICATION NO.144 OF 2024**

Bahubali Tatyaso Dhamane

Age : 56 Years, Occu. : Nil,
Residing at : A-1 Building, 1001,
Keshav Heights, 90ft Road,
Parasik Nagar, Kalwa, Thane (W), ...Applicant
Pin : 400 605. (Original Accused No.3)

Versus

1. **The State of Maharashtra**
(Through Mahad City Police
Station in C.R. No. 79 of 2020). ...Respondent

Mr.S.M.M.Owais T. Jahagirdar a/w Mr.Sultan Khan:-	Advocates for Applicant.
Mr.Amin Solkar – Special Public Prosecutor a/w Mr.Umang Shah:-	Advocates for Respondent-State.
Mr.A.D.Kamkhedkar:-	APP for State.

CORAM : S. M. MODAK, J.

DATED : 13th JUNE 2024

P. C. :

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

ORDER

- (i) The Criminal Revision Application No.107 of 2023 and
the Criminal Revision Application No.66 of 2023 are
dismissed.
- (ii) The Criminal Revision Application No.144 of 2024 is
allowed.

- (iii) The order dated 2nd September 2023 passed by the Court of Additional Sessions Judge, Mangaon-Alibag is set aside.
 - (iv) The Applicant – Bahubali Tatyaso Dhamane (Original Accused No.3) is discharged from Sessions Case No.21 of 2020 for the offences punishable under Sections 304, 420, 465, 467, 468, 120-B, 471, 201, 337, 338 read with 34 of the IPC.
 - (v) The observations made in this order are only for the purpose of deciding the discharge prayer.
 - (vi) The trial Court to decide the matter on merits without being influenced by the aforesaid observations.
2. The Criminal Revision Applications are disposed of in the above terms.

[S. M. MODAK, J.]

3. After pronouncing the order, learned Advocate Shri.Mulani submitted that he has got instructions to challenge this order and he prayed for direction to the trial Court not to frame a charge for one month.

4. It is opposed by learned Special Public Prosecutor Shri.Solkar.

According to him, one of the Co-accused is granted bail just because the trial is not started. In fact, he prayed for issuing direction to the trial Court to expedite the hearing.

5. It is true that due to pendency of these Revision Applications, framing of charge is already delayed. So, I am rejecting the prayer for issuing the necessary directions not to frame charge. I do not think, framing of charge will come in the way of the Applicant Yunus Shaikh to challenge the order before the Hon'ble Supreme Court. In fact, the facts and circumstances warrant me to issue directions to the trial Court to expedite the trial and dispose it of as early as possible.

[S. M. MODAK, J.]