

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

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.Taoish Jain, Mr.Khalil Girkar
i/b. Mr.Kishan Choudhari – Advocates for Applicant.

Mr.Amin Solkar – Special Public Prosecutor a/w Mr.Junaid Thange
and Mr.Umang Shah – Advocate for the State.

CORAM : S. M. MODAK, J.

DATE : 11th MARCH 2024

P. C. :-

1. Heard the remaining arguments by learned Advocate Shri.Majid Memon for the Applicant.
2. As noted down in the last order, he has filed compilation of the relevant statements forming part of the first charge-sheet. According to him, Mr.Asrar Pathan who is supervisor, he was scot-free and in fact, there are sufficient materials on record to show that he was supervisor appointed by Accused No.1 – Kohinoor Developers. He placed those vouchers and relevant documents. Marked as Annexure-X.
3. He read over the observations about the difference in between

Section 304-A and 304 of Indian Penal Code, 1860 [“IPC”] as per the judgment in case of *Abdul Salim Shaikh (Siddique) and Another v/s. The State of Maharashtra*¹. He also read over the observations in case of *Shantibhai J. Vaghela and Anr. v/s. State of Gujarat and Ors.*² (Para No.19).

CRIMINAL REVISION APPLICATION NO. 107 OF 2023

Yunus Razzak Shaikh

...Applicant

vs.

State of Maharashtra and Anr.

...Respondents

Mr.Ashish P. Agarkar – Advocate for Applicant.

Mr.Amin Solkar – Special Public Prosecutor a/w Mr.Junaaid Thange and Mr.Umang Shah – Advocate for the State.

P. C. :-

Learned advocate for the Applicant has already closed his arguments.

CRIMINAL REVISION APPLICATION NO. 144 OF 2024

Bahubali Tatyaso Dhamane

...Applicant

vs.

The State of Maharashtra

...Respondent

¹ Criminal Bail Application No.850 of 2014 & Ors : 28th October, 2014 : Bombay High Court

² 2012 AIR SCW 6349

Mr.Sultan Khan a/w Mr.Bhavesh Ameta i/b. Mr.S.M.M.Owais T. Jahagirdar – Advocates for Applicant.

Mr.Amin Solkar – Special Public Prosecutor a/w Mr.Junaid Thange and Mr.Umang Shah – Advocate for the State.

P. C. :-

1. On behalf of Applicant – Dhamane, one compilation of documents is filed on record. It is taken on record. Its copy is given to other side.

2. Heard the arguments advanced by learned Special Public Prosecutor Mr.Amin Solkar in all the Revision Applications. He read over the observations in following judgments :-

- (i) *State of Tamilnadu by Ins. of Police Vigilance and Anti Corruption v/s. N. Suresh Rajan and Ors.*³
- (ii) *Prakash Digambar Lanjekar v/s. The State of Maharashtra*⁴
- (iii) *G. A. Rajegauda v/s. State of Maharashtra*⁵
- (iv) *Ghulam Hassan Beigh v/s. Mohammad Maqbool Magrey and Ors.*⁶

It is on the point of duty of the Court while framing a charge and assessing the materials.

3. He placed on record compilation of additional documents. It is

³ MANU/SC/0011/2014

⁴ Criminal Revision Application No.340 of 2016:22nd September, 2022:Bombay High Court

⁵ Criminal Revision Application No.642 of 2016:10th July, 2018:Bombay High Court

⁶ MANU/SC/0920/2022

taken on record and marked as Annexure–Y. Copy is given to other side.

4. For paucity of time, for hearing remaining arguments by learned Special Public Prosecutor, stand over to **19th March, 2024**. To be listed at **2.30 p.m.**

[S. M. MODAK, J.]