

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

CRIMINAL REVISION APPLICATION NO. 420 OF 2024

Padmasinh Bajirao Patil

... Applicant

vs.

Central Bureau of Investigation and Anr.

... Respondents

Sr. Advocate Mr. Girish Kulkarni a/w. Mr. Bhushan Mahadik, Mr. Madhusudhan Parikh, Ms. Pallavi Pukale, Ms. Nikita Pawar, Ms. Sule i/b. Mahadik & Associates :-	Advocates for Applicant.
Mr. Kuldeep S. Patil a/w. Adv. Sampada S. Patil and Adv. Mutthukutti P.:-	Advocate for Respondent No.1- CBI.
Ms. Sangeeta E. Phad :-	APP for Respondent No. 2-State.

CORAM : S. M. MODAK, J.

DATE : 20th SEPTEMBER 2024

P. C. :-

1. The reply filed on behalf of Respondent – CBI is taken on record. Copy is already served to Petitioner.
2. Matter is kept back as learned senior Advocate Mr. Kulkarni is busy before some other Court.

Later on :-

3. Heard Learned Sr. Advocate Mr. Kulkarni and learned Advocate Mr. Mahadik for Applicant and learned Advocate Mr. Patil for CBI.

4. My attention is invited to the evidence given by the approver.

The contention of the Applicant is -

“In his evidence he has stated few facts for the first time that is to say those facts are not stated by him in earlier two statements / confessions given before Judicial Magistrate First Class.”

The Contention is -

“Those facts pertain to the arrest of Dinesh Tiwari and taking him into custody at Maiyar, State of Madhya Pradesh by Crime Branch officials. It also pertains to interaction of the approver with his wife. It is in respect of taking help of ACP Kailas Devkhar.”

The contention is -

“Said Dinesh Tiwari is arrested by CBI at Mumbai. Witness PW93 – Pravin Bhagat is examined by CBI. It is in respect of offence registered with Crime Branch. The Accused No. 1 wants to examine witness in order to falsify the facts stated by the approver in his evidence.”

5. It is also submitted that these new facts were confronted with the approver and he has admitted that they are improvements.

6. The law of improvement is very clear. The facts stated for the first time before the Court and which are not stated earlier is improvement and they can be excluded while appreciating evidence. The stage of appreciation would come when the trial Court would decide the matter finally.

7. This matter be kept on 25th September 2024 'High on Board'.
Let Applicant to file copy of approver's evidence with relevant
markings and his earlier two statements with relevant markings.

[S. M. MODAK, J.]

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