



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

23 CRIMINAL APPLICATION NO.284 OF 2021

Gopal Suklal Raut,
Age 50 yrs., Occ. Business,
R/o Gat No.1410, Shivaji Chowk,
Tq. Raver, Dist. Jalgaon.

... Applicant

... Versus ...

- 1 The State of Maharashtra
Through Police Station Officer,
Police Station, Raver,
Tq. Raver, Dist. Jalgaon.
- 2 Suresh Ananda Medhe,
Police Constable, B.No.3128,
Present Posting at Police Station,
Raver, Dist. Jalgaon.

... Respondents

...

Mr. D.B. Shinde, Advocate for applicant

Mr. V.K. Kotecha, APP for respondent Nos.1 and 2

...

CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.

DATE : 09th APRIL, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present application has been filed initially for quashment of First Information Report vide Crime No.147/2020 dated 02.08.2020 registered with Police Station, Raver, for the offence punishable under Sections 328, 272, 273, 188 of the Indian Penal Code, 1860 and later on by way of amendment for quashing the proceedings in Sessions Case No.82/2021 pending before Sessions Judge, Bhusawal, Dist. Jalgaon.

2 Heard learned Advocate Mr. D.B. Shinde for applicant and learned APP Mr. V.K. Kotecha for respondent Nos.1 and 2.

3 Perusal of First Information Report lodged by Police Constable Suresh Medhe attached to Police Station, Raver, Dist. Jalgaon would show that police authorities had intercepted a tempo and upon search of tempo they found certain contraband article i.e. Pan Masala. They made inquiry with the driver about his name and from where he has come. The said person gave his name and the address that he has come from Barhanpur (Madhya Pradesh). Thereafter, by executing panchnama the tempo and the box was seized. In the present case the petitioner's name is not reflected in the First Information Report directly, but then it is stated that upon inquiry said driver told that the delivery of the said box was to be made at Sangita

Pan Centre in Raver.

4 In order to connect the present applicant with the crime in the charge sheet a receipt appears to have been seized which is stated to be issued by New Super Mini Roadlines, Daily Service Raver, Savda, Faijpur and the rate for transportation of said box is said to be only Rs.50/-. Interestingly, the Investigating Officer appears to have not even recorded the statement of owner of Roadlines. The Supurtnama upon the orders passed by learned Magistrate would show that one Vinod Ramesh Kasar claimed to be the owner of said vehicle has received the possession of Tata Tempo. Even his statement has not been recorded, who says in the Supurtnama that he is resident of Deshmukh Galli, Yawal, Dist. Jalgaon. What connection he has with New Super Mini Roadlines which is stated to be in Barhanpur in Madhya Pradesh is not forthcoming. It is hard to believe that there would have been only one box. If as per the panchnama, if the article that was found in that box is taken at its value would be not more than Rs.10,000/- would have been charged with transportation charges of Rs.50/- only i.e. from Barhanpur to Raver. The First Information Report, Spot-cum-Seizure Panchnama, statements of witnesses are totally silent about any other material transported from the tempo. The obvious question would be then, why the other material was not seized ? The seizure cannot be at the whims

of the Investigating Officer. Thus, there was no material collected in the charge sheet to connect the present applicant with the crime. Under the said circumstance, it would be an abuse of process of law if the applicant is directed to face the trial. Hence, following order.

ORDER

- i) Criminal Application stands allowed.
- ii) The proceedings in Sessions Case No.82/2021 pending before Sessions Judge, Bhusawal, Dist. Jalgaon arising out of First Information Report vide Crime No.147/2020 dated 02.08.2020 registered with Police Station, Raver, for the offence punishable under Sections 328, 272, 273, 188 of the Indian Penal Code, 1860 stands quashed and set aside as against applicant **Gopal Suklal Raut**.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

agd