



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**975 CRIMINAL APPLICATION NO. 1213 OF 2025  
IN REVN/115/2025**

**SHAILESH DINKAR KEDARE  
VERSUS  
THE STATE OF MAHARASHTRA**

...  
Advocate for Applicant : Mr.P.S.Dikle  
APP for Respondent-State : Mr.S.P.Sonpawale  
...

**WITH  
CRIMINAL REVISION APPLICATION NO. 115 OF 2025**

...

**CORAM : ARUN R. PEDNEKER, J.**

**DATE : 16.04.2025**

**P.C. :**

1] The case against the applicant and other accused is that on 30.08.2016, after college, at about 1:15 p.m. when the informant reached near Ahilyabai Holkar Chowk, two persons met and obstructed him. Out of said two persons, one person put knife on his neck and threatened him. Thereafter, another person, who was with him, put his hand, in his left shirt pocket and snatched Rs.1000/- from him. When he tried to obstruct, both the aforesaid persons beat him by fists and kick blows. Suddenly the police came on the spot and seeing them, one of the accused fled away and the another accused was

caught by the police. On inquiry the said person told his name as Deepak Bhikaji Jogdand, r/o. Kranti nagar, i.e. accused No. 1. On further inquiry about the person who fled away, the accused No. 1 told his name as 'Shailesh Dinkar Kedat i.e. accused No. 2. The police also caught accused No. 2 and brought the accused persons to Vedant Nagar police station. In search, one knife was found in the possession of accused No. 1. In this way, the accused Nos. 1 & 2 committed robbery with attempt to cause grievous hurt. As such, the applicant was arrested. Total 4 witnesses were examined. After considering the evidence, the trial Court, by order dated 15.12.2018 passed in S.C.No. 270/2018, convicted the applicant for the offence punishable under Sections 397 r/w. 511 of the IPC and sentenced to R.I. for 2 years and pay fine of Rs.1000/- IDSI for 10 days. Thereafter, the Additional Sessions Judge, Aurangabad by order dated 20.03.2025 in Criminal Appeal No.09/2019 confirmed the judgment and order dated 15.12.2018. Against the said judgment, the present Revision Application is filed.

2] The learned counsel for the applicant submits that this is a case of altercation between two parties and that the offence under Section 397 r/w. 511 of the IPC prima facie would not attract against the present applicant. He further submits that there is no antecedents against the present applicant and the applicant was on bail during trial.

He further submits that the name of the applicant is disclosed by the accused no.1, however, there is no recovery at the instance of the applicant. He further submits that PW-2 deposed that on 30.08.2016 at about 1:15 hours, while he was present in the police station, somebody gave information that quarrel has taken place in Kokanwadi, Ahilya Chowk. He further deposed that he along with Police Constable went to the spot and when they reached spot, they saw that quarrel was going on and two persons were beating one person and seeing them, one person ran away and they caught the another person. However, in the cross examination, PW-2 has stated that two persons were holding neck of one another. The learned counsel further submits that considering the same this would not be a case of robbery. The incident occurred on 30.08.2016 on day hours. As such, it was not possible to commit robbery. Considering the said fact, the applicant be released on bail.

3] Per contra, learned APP submits that both the Courts below have rightly convicted the applicant as the applicant has committed the offence under Section 397 r/w. 511 of the IPC and the applicant put knife on the neck of the informant.

4] Considering rival submissions, there is no injury caused to the informant, so also, considering that the applicant was on bail during trial and the case of robbery

appears doubtful in broad-day light in a crowded place with a use of knife and considering the same, I pass the following order :

**ORDER**

- i] Criminal Application is allowed.
- ii] The substantive sentenced imposed on the applicant in Sessions Case No.270/2018 by the Ad-hoc District and Assistant Sessions Judge-3, Aurangabad on 15.12.2018, which is confirmed by Additional Sessions Judge-7, Aurangabad by order dated 20.03.2025 in Criminal Appeal No.09/2019 stands suspended till the final hearing and disposal of Criminal Revision Application.
- iii] The applicant be released on bail on the same terms and conditions imposed by the trial Court while granting bail.
- iv] Bail before the trial Court.
- v] Criminal Application is disposed of accordingly.
- vi] It is also clarified that the observations made in this order are limited only for the purpose of deciding the present Application.
- vii] Criminal Revision Application is **admitted**. On admission, the learned APP waives notice for respondent-State.

**[ARUN R. PEDNEKER]**  
**JUDGE**