



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3470 OF 2023

Gurdeepsingh Kuldeepsingh Sandhu,
Age 32 yrs., Occ. Business,
R/o Old Kautha, Nanded,
Tq. & Dist. Nanded.

... Applicant

... Versus ...

- 1 The State of Maharashtra
Through Police Station, Sonkhed,
Tq. Loha, Dist. Nanded.
- 2 Tejas Harikishan Lohiya,
Age 40 yrs., Occ. Business,
R/o Behind Dr. Bajaj Hospital,
Mutha Compound, Vajirabad,
Nanded, Tq. & Dist. Nanded.

... Respondents

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Mr. M.K. Bhosale, Advocate for applicant
Mr. S.A. Gaikwad, APP for respondent No.1

Respondent No.2 - served

...

CORAM : SMT. VIBHA KANKANWADI &
ROHIT W. JOSHI, JJ.

RESERVED ON : 15th JANUARY, 2025

PRONOUNCED ON : 10th FEBRUARY, 2025

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

1 Present application has been filed initially for quashing and setting aside First Information Report vide Crime No.81/2023 dated 30.06.2023 registered with Sonkhed Police Station, Dist. Nanded and later on by way of amendment for quashing proceedings in Sessions Case No.80/2023 pending before learned Additional Sessions Judge, Kandhar, Tq. Kandhar, Dist. Nanded, for the offence punishable under Sections 307, 384, 385, 386, 387, 507 read with Section 34 of the Indian Penal Code, 1860 and under Sections 25, 27(2)(3) of the Arms Act.

2 Heard learned Advocate Mr. M.K. Bhosale for applicant and learned APP Mr. S.A. Gaikwad for respondent No.1. Respondent No.2 though served failed to appear.

3 Learned Advocate appearing for applicant has taken us through First Information Report as well as charge sheet and submits that as per prosecution story, applicant used to give tip to accused No.1 and then accused No.1 and other accused used to give voice calls on WhatsApp for extorting money, however, name of present applicant is not reflected in First Information Report and nothing has been recovered from him. The only

evidence against applicant is the statement of son of co-accused Vazirsingh Gurubachansingh Fauji and even the alleged statement of co-accused Vazirsingh is inadmissible in nature. It would then be unjust to ask the applicant to face the trial.

4 Learned APP strongly opposed the application and submits that in First Information Report as well as in statements of witnesses it has come that accused No.1 Navdipsingh Lakhvindarsingh Nagra, who is presently absconding, used to give phone call from Pakistan and used to ask his friends and co-accused Vazirsingh to get amount of extortion. In fact, with the help of co-accused Ankita Kamble this extortion racket was going on and with the WhatsApp calls threats used to be given to eliminate the person, in case of failure on his part to give the money. Informant had received around 26 WhatsApp voice calls from the said phone number from Pakistan and amount that was demanded from him was Rs.1 Crore. He had agreed to give amount of Rs.2,00,000/- by the time he had contacted police, but then along with police the trap was laid. He prepared the bag containing amount of Rs.2,00,000/- and went to his place of business i.e. stone crusher. In front of the police officer he had received the phone call from Pakistan. At that time, he was then called on the road in front of stone crusher. Accordingly, he went there. A Tata Harrier of black colour bearing registration No.MH 26-

CE/8710 came in front of him, in which accused Vazirsingh was sitting and one motorcycle came, on which there was a Sardar sitting along with a lady. Accused Vazirsingh told informant that amount could be given to said Sardarji. Accordingly, informant gave the said amount and police had tried to catch him, but accused Vazirsingh fired from his pistol towards one police person. Police also in answer opened fire and overpowered Vazirsingh, said Sardarji and the lady. Said Sardarji was by name Jaideo Gurupratap Ragi and the lady was Ankita Nanasaheb Kamble. Thus, those three persons were apprehended from the spot. Name of present applicant came in picture later and it is from the information that has been given by one Mohit Singh, who is the son of accused Vazirsingh. The cell phone of applicant has been seized and has been sent for analysis to Forensic Science Laboratory. The report is still awaited. Taking into consideration the seriousness of the offence, this cannot be the fit case where powers under Section 482 of the Code of Criminal Procedure should be exercised.

5 Contents of First Information Report are already narrated above. Informant – respondent No.2 has stated about the phone calls those were received between 22.06.2023 to 28.06.2023 from Pakistan to his mobile number, which were about 26 WhatsApp voice calls. Amount of Rs.1 Crore was demanded. It was told to him that the person who was calling on

WhatsApp call was one person by name Rindha. He was threatened that if amount is not given, then he would be killed in the same manner as one businessman Sanjay Biyani was killed. Therefore, there was terror amongst the businessmen in Nanded. Three persons viz. Vazirsingh, Jaideo and Ankita have been arrested on the spot, though accused Vazirsingh had opened fire from his pistol. Certainly, when phone calls were received from Pakistan, there was supposed to be the investigation, but it appears that as those three persons were arrested and they should not get default bail, the charge sheet appears to have been filed on 29.09.2023, when their date of arrest is on 30.06.2023 in respect of Ankita and Jaideo, whereas 04.07.2023 for Vazirsingh, as it appears that he was required to be hospitalized immediately after he was taken in custody on 30.06.2023 and after he was declared medically fit he has been arrested. Possibility of further investigation under Section 173(8) of the Code of Criminal Procedure cannot be ruled out in this matter, as two accused viz. Navdipsingh Nagra and Ranjit Gill are yet to be arrested.

6 As regards the evidence against the applicant is concerned, it is stated that he used to be with Ranjitsingh and Navdipsingh. Present applicant had met Ranjitsingh. This fact was disclosed by Mohit Singh, who is son of Vazirsingh. Of course, when Vazirsingh himself is accused, his

statement cannot be taken into consideration unless it is in the form of a confession recorded by legal procedure. But, still the statement of Mohit Singh can be made use of for further investigation. The cell phone of present applicant has been seized. Under such circumstance, taking into consideration the seriousness of offence, the involvement of some numbers from Pakistan and the evidence yet to be collected, we do not find this to be a fit case where First Information Report and charge sheet i.e. proceedings in Sessions Case needs to be quashed and set aside against applicant. Application stands rejected.

(ROHIT W. JOSHI, J.)

(SMT. VIBHA KANKANWADI, J.)

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