



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 CRIMINAL WRIT PETITION NO. 1584 OF 2023

TARACHAND EBINEZAR CHAKRANARAYAN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Narayan B. Narwade – Advocate for Petitioner
Ms. M.L. Sangit – APP for Respondents, State
...

CORAM : SACHIN S. DESHMUKH, J.
DATE : 09.09.2025

PER COURT :

1. Heard. Perused the record.
2. The petitioner/accused has raised an exception to the order dated 12.09.2023 rendered by the learned Additional Sessions Judge, Ahmednagar below Exh.50 in Sessions Case No.107/2018 rejecting the application of discharge in connection with F.I.R. No. I-56/2016 dated 10.02.2016 registered with Kotwali Police Station, Ahmednagar for the offences punishable under Sections 307, 353, 333, 325, 323, 141, 143, 147, 149 of Indian Penal Code and Section 37(1)(3)/135 of Bombay Police Act and Section 3(2)(7) of Prevention of Damages to Public Property Act, 1984 and Sections 3 and 7 of the Criminal Law Amendment Act.

3. The petitioner is arraigned as accused No.21 in above mentioned F.I.R. along with other co-accused for committing riot with unlawful assembly and for attempting to cause death of the complainant/respondent No.2. After thorough investigation, the chargesheet came to be filed in Sessions Case No.107/2018.

4. As such, the petitioner had filed an application under Section 227 of the Code of Criminal Procedure, seeking discharge before the Sessions Court, Ahmednagar. However, said application came to be rejected by the learned Additional Sessions Judge, Ahmednagar vide order dated 12.09.2023. Aggrieved thereby, the petitioner has approached this Court under Article 227 of the Constitution of India.

5. Learned Counsel for the petitioner submits that the petitioner's name does not appear in the F.I.R. and is falsely implicated in the said crime. It is also contended that the petitioner is a preacher and has no nexus with the alleged crime. As such, prayed to allow the discharge application.

6. *Per contra*, the learned A.P.P. has supported the impugned order and relied on the contents of the chargesheet.

7. Having heard the respective learned Counsel appearing for the parties and perusal of the record indicates that there is a *prima-facie* record indicating involvement of the petitioner in the present crime.

Since, all the members of unlawful assembly are equally liable for the acts committed by any one of the member of the unlawful assembly, as such, the involvement of the petitioner/accused is evident from the material recorded in the chargesheet.

8. It is trite that the Court cannot conduct a mini trial while deciding discharge application for discharge or appreciate the reliability of evidence. As such, the learned Additional Sessions Judge, Ahmednagar has rightly appreciated the *prima-facie* evidence against the petitioner. As such, no error is noted in the order under challenge.

9. Accordingly, the Criminal Writ Petition stands dismissed.

[SACHIN S. DESHMUKH]
JUDGE