



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 CRIMINAL APPLICATION NO. 4648 OF 2025
IN APEAL/812/2024

DHANAJI PANDURANG SHINDE
VERSUS
THE STATE OF MAHARASHTRA

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Mr. M. A. Manav h/f. Mr. Samadhan H. Jadhav, Advocate for Applicant;
Mr. B. A. Shinde, APP for Respondent-State.

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CORAM : NEERAJ P DHOTE, J.

DATE : 23rd DECEMBER, 2025

PC.:-

1. This is an Application for stay to the conviction recorded by the learned Additional Sessions Judge, Dhule in Sessions Case No.126 of 2018 convicting and sentencing the Applicant/Appellant as follows:-

"ORDER

1. *Accused No.1 - Dhanaji Pandurang Shinde, accused No.2 - Anil Shankar Vetal, accused No.3 - Kasim Abdul Shaikh, accused No.4 - Anil Krushna Suvarna, accused No.5 - Sanjay Amrutlal Patel and accused No.6 - Hasmit @ Gopal Bhikabhai Patel, are convicted for the offences punishable under sections - 395 and 342 read with section 120-B of the Indian Penal Code vide Section - 235 of the Code of Criminal Procedure and they are sentenced as under.*

(a) For the offence punishable under section - 395 read with section 120-B of the I.P.C. to suffer rigorous imprisonment for 10 (Ten) years and fine of Rs.5,000/- (Rupees Five Thousand) each in default to suffer further rigorous imprisonment for 06 (six) months.

(b) For the offence punishable under section - 342 of the I.P.C. read with section 120-B of the I.P.C., to suffer simple

imprisonment for 1 (one) year.

2. No separate sentence is imposed for the offence punishable under section 120-B of the I.P.C..

3. Accused No.8 – Shamkumar Navinbhai Patel and accused No.9 – Harish Dhirubhai Patel are convicted for the offence punishable under section – 411 of the Indian Penal Code vide Section – 235 of the Code of Criminal Procedure and they are sentenced to suffer rigorous imprisonment for 3 (three) years.

4. Accused No.7 – Jasmin Ratilal Patel, accused No.8 – Shamkumar Navinbhai Patel, accused No.9 – Harish Dhirubhai Patel, accused No.12 – Bhikabhai Ranchhodas Patel and accused No.13 – Amrutlal Dhannajibhai Patel are acquitted of the offences punishable under sections – 395, 342 and 120-B of the Indian Penal Code and section – 3/25 of the Arms Act vide Section – 235 of the Code of Criminal Procedure.

5. Accused No.12 – Bhikabhai Ranchhodas Patel and accused No.13 – Amrutlal Dhannajibhai Patel are also acquitted of the offences punishable under sections – 412 of the Indian Penal Code vide Section – 235 of the Code of Criminal Procedure.

6. Accused Nos.1 to 6 are acquitted of the offence punishable under section– 3/25 of the Arms Act vide Section – 235 of the Code of Criminal Procedure.

7. The substantive sentences of imprisonment to run concurrently.”

2. The case of the prosecution as reflected from the judgment of the learned Trial Court is reproduced below:-

“2. The prosecution case in a chronological events is as follows.

(i) Informant Pravinsing works as a driver on the car of Chetankumar Vyas, R/o.Surat, Gujarat. Chamanbhai Patel is the second driver of Chetankumar. One Jaiprakash Vyas is the cousin of Chetankumar. Chetankumar deals in the business of purchase and sale of J.C.B. and pockland machines. On 21.08.2018 Chetankumar gave Rs.15,00,000/- to Jaiprakash to purchase

machines. On the said date at 10.00 p.m., informant Pravinsing, Chamanbhai and Jaiprakash went to Indore by Swift Dezire car No.GJ-05/RC-0156 to purchase machines. On 22.08.2018 and 23.08.2018, they stayed at the house of Pankaj @ Prakash Thakar, friend of Chetankumar at Indore. For the said two days, they took search of J.C.B. and pockland machines, but could not get it. Hence, on 23.08.2018 at 10.00 p.m., they started for Surat from Indore by their Swift Dezire car.

(ii) Informant Pravinsing was driving the said car. Chamanbhai was sitting to his side. Jaiprakash was sitting on the rear seat of the car with the amount of Rs.15,00,000/-. At about 02.00 a.m. to 02.15 a.m., they car crossed Shirpur Toll Plaza. At a distance of 2 k.m. from village Songir, on MumbaiAgra highway, suddenly one gray colour Enova car overtook them and stopped infront of their car. Informant Pravinsing stopped his car. At that time, six dacoits got down from the Enova car. Informant Pravinsing and his colleagues saw them in the light of vehicles going by the road. The said dacoits were of the age group of 30 to 40 years. They had wore full pant and shirt. Three had strong built and three had medium built. One amongst them came near the driver side of the car and by pointing revolver signaled informant Pravinsing to open the door. Due to fear, informant Pravinsing open the door of car. The said dacoit caught hold the collar of informant Pravinsing and pulled him out of the car. The said dacoits took him, Chamanbhai and Jaiprakash to Inova car and made to sit them in the Inova car. The said dacoits robbed the mobiles and valets containing money from the person of informant Pravinsing and Jaiprakash.

(iii) Out of said six dacoits, four dacoits sat in Inova car to the side of informant Pravinsing, Chamanbhai and Jaiprakash. They inquired them whether they are dealing in the business of girls. The other two dacoits took away the Swift Dezire car of informant Pravinsing. The Inova car was taken to a forest like area. The said dacoits took out all the clothes except underwear from the person of informant Pravinsing, Chamanbhai and Jaiprakash and tied them to the cement poles in the field. From there, said dacoits fled away with their Inova car. Informant Pravinsing and his colleagues somehow untied their hands. At about 03.30 a.m. they reached to Hotel Dakshata situate across Songir-Dondaicha road. They disclosed the incident to the waiters in the hotel. They made phone call from the mobile phone of waiter to their master Chetankumar. One Sunil Patil, the friend of Chetankumar, R/o.Dhule, came to the hotel with cloths and took informant Pravinsing and his colleagues to his house at Dhule. At about 04.00 p.m., Chetankumar came at Dhule. Upon search, they found the swift car on a road near village Varshi.

The glasses of the window of car were broken. The bag containing Rs.15,00,000/- and other articles were looted from the swift car. Thereafter, informant Pravinsing lodged the report at Songir police station.”

3. There is no dispute that, the sentence of the Applicant/Appellant has been Suspended. As the Applicant/Appellant intends to submit his nomination form for the elections of the Municipal Corporation, Thane, he has filed this Application for Stay to the conviction.

4. Heard learned Advocate for the Applicant/Appellant and learned APP for the Respondent-State. With their assistance perused the relevant evidence.

5. To establish the factum of the robbery, the prosecution examined PW4-Chamanbhai, PW8-Pravinsingh, PW13-Jaiprakash. Their testimony in respect of the incident in question is consistent. Their testimonies show that, on the date of incident i.e. on 21.10.2018, when they were travelling in four wheeler car with cash of Rs.15,00,000/- (Rs. Fifteen Lakh) to purchase the JCB and poclain machine, their vehicle was intercepted by Innova Car. Six (6) persons came out from the said Innova Car and robbed them on gun point and fled with the cash after tying them to a pole. However, they were able to rescue themselves. The incident was reported to the police and

crime came to be registered against Fourteen (14) Accused-persons for the offences punishable under Sections 395, 342, 120-B and 412 of the Indian Penal Code (IPC) and for the offences punishable under Section 3(25) of the Indian Arms Act.

6. The evidence on record goes to show that, during the course of investigation, the Applicant/Appellant was identified by PW8-Pravinsingh in the Test Identification Parade and before the learned Trial Court in his substantive evidence. This indicate that, the identification in the Court was corroborated by identification in the previous Test Identification Parade.

7. The evidence of PW2-Ritesh Kishor Warule, who was panch witness and the evidence of PW16-PS.I. Mr.R.D.Patil, who was the Investigating Officer show that, certain cash amount which was the part and parcel of the booty was recovered at the instance of the Applicant/Appellant pursuant to Section 27 of the Indian Evidence Act.

8. The learned Trial Court has convicted the Applicant/Appellant on the basis of the evidence on record. It is needless to state that under the settle position under the law, the power to stay the conviction must be exercised with great circumspection and caution and the Applicant must satisfy the Court as regards the evil that he would face, if the conviction was not stayed.

The reason put forth by the Applicant/Appellant is no ground to stay the conviction. Considering the above discussed evidence on record, this is not the fit case to stay the conviction. Hence, the Application is rejected.

(NEERAJ P. DHOTE, J.)

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