

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 439 OF 2024**

Dilip Ashok Jadhav ...Applicant

Versus

State of Maharashtra ...Respondent

Mr. Kunal Patil a/w Mr. Rajnandini Katkar i/b Mr. Kalpesh Patil
for the applicant

Mr. S. S. Chaudhari APP for the State

CORAM : SHIVKUMAR DIGE, J.

DATE : 24th SEPTEMBER 2025

P.C.:

1. The applicant has challenged the order passed by the learned Sessions Court, Kolhapur below Exhibit 5 rejecting the discharge application of the applicant.

2. It is the prosecution's case that on 8th December 2014, the complainant police constable Ashok Korvi alongwith Javed Pathan were taking accused no. 1 Vijay Javir from Kalamba prison to Court of Judicial Magistrate First Class at Panhala for hearing. At that time, co-accused threw chilly powder in the eyes of the

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complainant and assaulted the complainant and other constable. In that scuffle, accused no. 1 ran away from the police custody. It is alleged that applicant had conspired in the said incident i.e. attack on police constable and to help accused no. 1 to run away from the possession of the police constable. It is alleged that he had provided amount to the accused no. 1.

3. It is the contention of learned counsel for applicant that applicant has been falsely implicated in this case. Earlier, offence under Section 302 of the Indian Penal Code was registered against the applicant. The applicant is on bail in the said offence. In the present case, there is no material against the applicant to connect with the said crime, but this fact is not considered by the learned Trial Court. Hence, requested to allow the application.

4. It is the contention of learned APP that statement of witnesses shows that applicant is involved in the said crime. He has conspired to attack on police constables and helped accused no. 1 to flee from possession of the police. The statement of witness Nana Gaikwad who is servant of the applicant shows that applicant had given shelter to the co-accused. The

statement of witness Aarti Jadhav shows that amount was given amount to co-accused on the instructions of the applicant. It shows involvement of the applicant. There is sufficient material against the applicant. To prove it, evidence is required. The learned Trial Court has passed a well reasoned order and no interference is required in it. Hence, requested to reject the application.

5. I have heard both learned counsel and perused the impugned order. Statement of witness Aarti Jadhav shows that she had gone to meet her husband who was in Kalamba Prison. Applicant is her brother-in-law. Her husband had told her to give Rs. 10,000/- to Santosh Bavdekar. Accordingly, she has given amount to Santosh Bavdekar. There is no reference of the applicant in the said statement that whether he has instructed this witness to give amount to anyone. The statement of Nana Gaikwad which is recorded after four months of the incident does not show involvement of the applicant in the crime. Statement of witness Kamal Gaikwad also does not show any involvement of the applicant in the said crime. There is no material produced on record to connect the applicant with the

crime regarding fleeing of accused no. 1 from the possession of the police and attack on the police persons. But this fact is not considered by the learned Trial Court.

6. Considering these facts, I pass following order:

ORDER

I. The application is allowed.

II. The order dated 26th July 2023 passed by the learned Sessions Court, Kolhapur in Sessions Case No. 24 of 2023 is quashed and set aside.

III. The applicant is discharged from Sessions Case No. 24 of 2023.

7. Criminal Revision Application is disposed of.

[SHIVKUMAR DIGE, J.]