

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.605 OF 2025

SATISH
RAMCHANDRA
SANGAR

Sameer Madhavan Nair

...Applicant

V/s.

The State of Maharashtra

...Respondent

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SATISH RAMCHANDRA
SANGAR
Date: 2025.07.07
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Mr.Dharamesh Joshi a/w Mr.Ritesh Yadav, Ms.Akshita Vakharia and Mr.Prashant Sharma:-	Advocates for Applicant.
Ms.Sangita E. Phad:-	APP for Respondent – State.

CORAM : S. M. MODAK, J.

DATE : 3rd JULY 2025

P. C. :-

1. Heard learned Advocate for the Applicant-Accused and learned APP.
2. He is prosecuted for committing of theft of soil on the complaint of one Krushnakumar Hegade. He lodged the FIR on 20th December 2021 with Mangaon Police Station. The offence came to be registered under Section 379 of IPC. The charge-sheet came to be filed.
3. The Applicant applied for discharge before the same Magistrate. However, it was rejected on 18th April 2023. He challenged the said

order by way of Revision before the Sessions Court. It was also rejected as per the order dated 21st June 2024. That is why, present Application.

4. Various contentions are raised based on averments in the FIR and on the basis of the few statements recorded of the witnesses – Baburao Polekar and Santosh Chillal. According to learned Advocate for the Applicant, if the facts stated by them are considered, it will not amount to an offence of theft. It is for the reason that whatever the soil the Applicant alleged to have removed from the plot of the First-Informant was nothing but the soil which was created as per the levelling done by him and it was put in the plot of the First-Informant. Additionally, a submission is made that the Applicant was penalized by the Revenue Authorities.

5. According to learned APP, these are the disputed questions which cannot be decided in quashing Petition.

6. **I agree with the submission made by learned APP.** We have got statement of the First-Informant on one hand and the statement of the two witnesses on the other hand. If all of them read together, it is difficult to ascertain that there is abuse of the process of the Court. Even though the First-Informant initially mentions about giving a consent, later on he files an FIR probably for the reason that

excessive soil is excavated. So, no case for quashing is made out. The Application is accordingly dismissed.

7. These are my *prima facie* observations. The trial Court to decide the case on its own merits. The trial Court shall make an endeavour to dispose of the case as early as possible.

[S. M. MODAK, J.]