



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (APL) NO.60 OF 2019

VIPUL S/O UTTAMRAO SOLANKE

VS.

STATE OF MAHARASHTRA AND OTHERS

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. A.S. Mardikar, Senior Advocate a/b Mr. N.R. Tekade, Advocate for the
applicant/s

Mr. S.S. Doifode, APP for the non-applicant/State

CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.

DATE OF RESERVING THE ORDER : 28/04/2025

DATE OF PRONOUNCING THE ORDER : 13/08/2025

1. Heard.
2. By the present application filed under Section 482 of the Code of Criminal Procedure, a prayer is made to quash and set aside the charge-sheet bearing No.19 of 2024 dated 14.03.2024, arising out of the First Information Report, bearing Crime No.427 of 2018, registered with Police Station, City Kotwali, Akola, for the offences punishable under Sections 392, 201, 342, 504, 506 read with Section 34 of the Indian Penal Code.
3. The brief facts of the present case are as under:
The son of the complainant/non-applicant No.2 found one mobile phone at Karanja bypass. The complainant repaired the said mobile phone and inserted new sim card in it for his wife. In August-2018, Police official Rajesh Shende (Accused 1) called the complainant

stating that his wife is using a mobile stolen from Akola railway station. He asked complainant to meet him at Police Station to resolve the matter.

4. In October-2018, the complainant went to the police station to meet accused No.1 who further took the complainant to meet Shailesh Maske (Accused 2). The accused No.2 asked the complainant to return the mobile phone and completed all formalities. The accused No. 1 then told that the International Mobile Equipment Identity (IMEI) is not matching with the mobile phone which the complainant has brought. The accused No.1 then asked the complainant to bring the other mobile phone from his house and demanded Rs.10,000/- for not registering the matter of stolen mobile phone.

5. On 17.11.2018, the accused No.1 gave a call to the complainant and asked him to visit the Police Station on 20.11.2018. The Complainant did not receive a call from accused No.1 on 20.11.2018 and was not willing to pay the amount so he did not visit the Police Station.

6. On 20.11.2018, non-applicant No.2 filed a complaint before the Anti-Corruption Bureau/non-applicant No.3, stating the aforementioned facts. They planned a trap panchnama which was to be conducted on 22.11.2018. On 22.11.2018 the pre-trap panchnama was conducted where the complainant, Panch, accused No.1 and accused No.2 went to a tea stall. The accused No.2 got doubt that the

conversation is being recorded and he snatched the phone and voice recorder from complainant and took them to the Police Station. The accused person threatened the complainant of registering criminal offence against them.

7. It is alleged in the FIR that the applicant removed the memory card from recording device and inserted a different one. The accused then returned the recorder and phone to the complainant. The complainant returned to the Anti Corruption Bureau and filed the FIR.

8. The learned counsel for the applicant submits that the FIR was registered against the accused No.1 and one unknown person. It is argued that the applicant came to be added as accused subsequently without any material and without any identification parade conducted by the prosecution. It is submitted that in absence of any material to connect the applicant with the alleged offence and particularly, when it is the case of the non-applicant No.2 himself in his reply filed on affidavit that the applicant is not the person with whom he came across or the person at the time of the incidence. He further submits that the record clearly indicates that the applicant has been falsely implicated in the alleged offence

9. On the other hand, the learned APP submits that, following the incident, the CCTV footage was shown to a person acquainted with the applicant, who identified the applicant, and that the FSL report concerning the CCTV

footage supports the prosecution's case.

10. Upon perusal of the record and the allegations in the FIR, it is noted that specific allegations have been made against unknown accused. Furthermore, considering the allegations levelled in the FIR and the material collected by the police during the investigation, there appears to be *prima facie* evidence to connect the said unknown accused with the alleged offence.

11. In the circumstances, the only question remains is whether the applicant is the said unknown person against whom the offence was registered, and whether there is any material to establish that the applicant was in the company of the other accused at the time of the incident.

12. Although the non-applicant No.2, in his affidavit, admits that the CCTV footage was shown to him, he asserts that the applicant is not the person against whom he had made the allegations and further states that he never came across the present applicant. However, the CCTV footage contradicts his statement and supports the case of the prosecution.

13. Thus, *prima facie*, it can be inferred that there is material on record to connect the present applicant with the unknown person against whom the offence was registered.

14. In that view of the matter, since the *prima facie* case is made out against the applicant, we do not find the

present case as a fit case to exercise the inherent powers conferred under Section 482 of the CrPC. Accordingly, the application stands **rejected**.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)