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

CRIMINAL REVISION APPLICATION NO. 310 of 2024

Mr. Jalindar Babaji Ware,
Age: 34 years, Occ. Forest Guard,
R/ at Karodi, Post Chinchpur Ijade,
Taluka- Pathardi,
Dist. Ahmednagar – 414102.

...Applicant

VERSUS

The State Of Maharashtra
(Through P.I. Panvel Town Police Station)

...Respondent

Mr. Satyam Harshad Nimbalkar a/w Mr. Harshwardhan Milind Pawar,
Advocate for Applicant.

Mr. M. G. Patil, APP for Respondent-State.

Mr. Sushant K. Dudde, PSI, Panvel City Police Station.

CORAM : SHIVKUMAR DIGE, J.

DATE : 18th FEBRUARY, 2026.

P.C. :

. Heard learned counsel for the Applicant and learned APP.

2. This Revision Application is preferred against the impugned order dated 16.01.2023 passed by the learned Additional Sessions Judge, Panvel in Sessions Case No. 227 of 2019, arising out of C. R. No. 103 of 2014, whereby, the learned Sessions Judge has rejected the discharge application of the Applicant.

3. It is prosecution's case that the Applicant/Accused No.13 was a Forest Guard, who was working in the Forest Department at the Panvel Division. On 12th December, 2013, the co-accused forest officers detained

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Shri. Rajesh Pokharkar with the alleged recovery of 417 kg red sandalwood concealed beneath 1280 kg of banana bunches. He was interrogated and later handed over to the Forest Department officials along with other three persons apprehended with truck. It is alleged that forest officials Accused no. 3 – Krishna Alurkar, and Accused no. 5- Harishchandra Ahire demanded a sum of Rs.2 Crore from him for releasing him from the said crime. Upon refusal, the demand was allegedly increased to Rs.2.5 Crore and thereafter reduced to Rs.1.5 Crore. It is further alleged that the Accused No. 3- Krishna Alurkar fired a shot at Shri. Rajesh Pokharkar with an intention to kill him. It is alleged that the Applicant was one of the conspirators in the said crime. Accused No. 4 – Anil Parab called wife of Shri. Rajesh Pokharkar i.e. Suvarna Pokharkar and compelled her to pay Rs.50 Lakh on 18.12.2023, and Rs.50,000/- were handed over on 13.12.2013 through Pokharkar's driver Shri. Atmaram Kalwade.

4. It is contention of the learned counsel appearing for the Applicant that Applicant was Forest Guard and was discharging his duty. Nothing has been alleged against him to show that he committed crime or he was involved in the said crime. No material has been placed on record to connect the role of the Applicant with the present crime. However, this fact has not been considered by the learned Sessions Judge and requested to allow the Application.

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5. It is contention of the learned APP that the Applicant was present, when the Accused No. 3 - Alunkar fired at Shri. Rajesh Pokharkar. Applicant allegedly gave a false statement before the police regarding the incident. This proves his involvement in the crime and proves that he was part of a conspiracy. Learned APP further submitted that three members inquiry committee was constituted by the Chief Conservator of Forest Department and in the said inquiry, Applicant along with other co-accused was found guilty. The learned Sessions Judge has passed a well-reasoned order and requested to reject the Application.

6. I have heard both learned counsel. Perused charge-sheet and documents placed on record. In the charge-sheet, the allegations against the Applicant are that, on the day of incident on 13th December, 2013, he was present when Accused No.3-Alunkar and Accused No. 4-Anil Parab were inquiring and interrogating Shri. Rajesh Pokharkar. It is alleged that, in the presence of the Applicant, Accused No. 3-Alunkar fired at Shri. Rajesh Pokharkar with an intention to kill him. However, the Applicant gave a false statement that he was not present at the time of said incident.

7. In my view, there are no allegations against the Applicant that he called the wife of Shri. Rajesh Pokharkar i.e. Mrs. Suvarna Pokharkar or he threatened Shri. Rajesh Pokharkar, like other co-accused, to pay ransom amount. It appears from the record that he was present at the spot as he

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was on duty at the relevant time. However, no material has been produced on record to show his involvement in crime or in conspiracy. Considering these facts, I pass following order.

ORDER

- (i) The Revision Application is allowed.
- (ii) The Applicant is discharged for the offences punishable under Sections 307, 386, 388, 406, 409, 465, 471, 506(II), 218, 201, 120(B), 109 of the Indian Penal Code and under Section 30 of Indian Arms Act at Panvel Town Police Station, in Sessions Case No. 227 of 2019, arising out of C. R. No. 103 of 2014.
- (iii) The impugned order dated 16.01.2023 passed by learned Additional Sessions Judge, Panvel in Sessions Case No 227 of 2019, arising out of C. R. No. 103 of 2014, is quashed and set aside.
- (iv) All pending Applications, if any, are disposed of.

(SHIVKUMAR DIGE, J.)