

Rohit Ghuge

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 491 of 2024

Mr. Sanjay Vishram Billewar
Age: 42 years, Occ. Forest Guard,
R/ at Post. Malasur,
Taluka Partur, Dist. Akola- 444501.

...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. :

1. 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.8 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

Rohit Ghuge

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 for the Applicant that the report under Section 169 of Cr.P.C. was filed against the Applicant. Despite filing the said report, charge sheet was filed against the Applicant without taking permission of the Magistrate. Learned counsel further submitted that there are no allegations against the Applicant along the line of threatening Rajesh Pokharkar or his wife Mrs. Suvarna Pokharkar and requested to allow the Application.

Rohit Ghuge

6. It is contention of the learned APP that the Applicant's mobile phone was used by the co-accused for the purpose of calling. Accused No. 3-Krishna Alurkar called Accused No.1-Dnyaneshwar Chikhale on several occasions and there are 25 call conversations between them using the Applicant's phone. It shows involvement of Applicant in the crime, learned Sessions Judge has passed a well reasoned order and requested to reject the application.

7. I have heard both learned counsel perused charge sheet and documents placed on record.

8. Admittedly, report under Section 169 of Cr.P.C. was filed against the Applicant. The said report was pending before the Magistrate. During the pendency of the said report, charge sheet was filed against the Applicant. It is pertinent to note that when report under Section 169 of Cr.P.C. was filed, chargesheet cannot be filed without permission of the Magistrate. Allegations against the Applicant are that his mobile phone was used by Accused No. 3 - Alurkar to communicate with other co-accused. Applicant was working as Junior under the authority of Accused No.3 – Alurkar and he allowed him to use the phone on advice of his superiors. Therefore, it cannot be considered that the Applicant had conspired or involved in the present crime.

9. Considering these facts, I pass the following order.

Rohit Ghuge

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.)