

N.S.Kamble

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

CRIMINAL REVISION APPLICATION NO. 368 OF 2025

Sushil Harishchandra Mancharkar

... Applicant

Versus

The State of Maharashtra & Anr.

... Respondents

Dr.Uday Warunjikar a/w Mr.Aditya Kharkar i/b Ms.Sonali Chavan, for the Applicant.

Mr.S.S. Pednekar, APP for Respondent-State.

Mr.Vijaykumar Garad, for Respondent No.2.

Mr.Atul Shete, API, Sant Tukaram Nagar Police Station.

CORAM : SHIVKUMAR DIGE, J.

DATE : 23rd FEBRUARY 2026

P.C. :

1. The challenge in this Revision Application is to the impugned order dated 27th June 2025 passed by the learned Additional Sessions Judge, Pune, in Application below Exhibit-4, in Sessions Case No.877 of 2022.

2. It is contention of learned counsel for the Applicant that the Applicant has been charged under Sections 307, 195(A), 120(B) read with Section 34 of the of the Indian Penal Code, 1860 ('IPC' for short), Sections 3,5,25 and 27 of the Arms Act and Section 37(1) read with section 135 of the Maharashtra Police Act.

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3. The learned counsel further submitted that the First Informant had filed complaint against the Applicant under the provisions of the Protection of Children From Sexual Offence Act, 2012 ('POCSO' for short). It is alleged that the Applicant was threatening the First Informant to take the said case back and on that ground he conspired with the two unknown persons and said two unknown persons fired at First Informant with an intention to kill her. The First Informant has not sustained any injury on vital part. The learned counsel further submitted that the said two unknown persons have not been arrested. No documents produced on record to show that the Applicant had hatched conspiracy with the said two unknown persons. No material is produced on record to link the Applicant with the present crime, but these facts are not considered by the learned Trial Court. If trial is allowed to continue, it would cause undue hardship to the Applicant and requested to allow the Application.

4. It is contention of learned APP along with learned counsel for Respondent No.2 that a case under the provisions of POCSO is pending against the Applicant. Multiple Non-cognizable complaints are lodged by the First Informant against the Applicant. The Applicant was threatening the First Informant to withdraw the POSCO case. The Applicant had hatched conspiracy with the co-accused and the co-accused fired at the First

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Informant from pistol with an intention to kill her. There is sufficient material available on record against the Applicant to prove the case against the Applicant. The learned Sessions Judge has passed well reasoned order, no interference is required in it and requested to reject the Application.

5. I have heard all learned counsel. Perused charge-sheet and documents produced on record.

6. It is prosecution's case that on 9th June 2018, at around 11.30 a.m., when the First Informant was walking with her friend on road, at that time two unknown persons came on bike and fired at First Informant. The bullet did not hit the First Informant. The said two unknown persons ran away on bike.

7. It is alleged that the Applicant had hatched conspiracy with the two unknown persons and attempted to kill the First Informant on the ground that the First Informant had filed case against the Applicant under the provisions of the POCSO and it is pending. It is alleged that the Applicant was continuously threatening the First Informant to take the said case back. It is significant to note that police investigated the matter, but police have not arrested two unknown persons who allegedly fired at the First Informant. The question therefore arise whether, the conspiracy can be hatched with unknown person.

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8. In my view, as admittedly the Applicant was not present at the incident spot. Two unknown persons who had fired at the First Informant have not been arrested or identified. In absences of their identification and arrest the allegation of conspiracy levelled against the Applicant cannot be sustained. However, these facts are not considered by the learned Trial Court. No material produced on record to show that the Applicant was in contact with the co-accused or there was meeting of minds between them so as to attract the offence of conspiracy. In such circumstances, if trial is continued it would amount to undue harassment to the Applicant and I pass following order.

ORDER

- (i) The impugned order passed by the Additional Sessions Judge, Pune dated 27th June 2025, in Application below Exhibit-4 in Sessions Case No.877 of 2022, is quashed and set aside.
- (ii) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)