

N.S.Kamble

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

**CRIMINAL REVISION APPLICATION NO. 420 OF 2025**

Annu Alias Mohammad Hanif Yunus Shaikh ....Applicant

VERSUS

The State Of Maharashtra ....Respondent

Mr.Aniket Vagal a/w Ms.Savvy Kolhekar and Ms.Juhi Kadu, for the Applicant.

Mr.P.P. Jadhav, APP for Respondent-State.

Mr.Anand Rathod, PSI, Shantinagar Police Station, Bhiwandi, Thane.

**CORAM : SHIVKUMAR DIGE, J.**

**DATE : 8<sup>th</sup> JUNE 2026**

**P.C. :**

1. The present Revision Application is preferred against the order passed by the learned Additional Sessions Judge, Bhiwandi, Thane in CR No.950 of 2024 registered with Shantinagar Police Station, Bhiwandi, Thane. By the impugned order, the learned Sessions Judge has rejected the Discharge Application of the Applicant.

2. It is prosecution's case that co-accused murdered the maternal uncle of the First Informant on the ground of old dispute. It is alleged that the Applicant was one of the conspirators of the said murder.

3. It is contention of the learned counsel for the Applicant that the Applicant has been charge-sheeted in the present case on the statement of

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the co-accused except that there is no evidence produced on record to show the involvement of the Applicant in the crime. The name of the Applicant was not mentioned in the FIR. After two days of the incident, Supplementary Statement of the First Informant was recorded and in the said statement, name of the Applicant is mentioned. No material or CDR produced on record to show the involvement of the Applicant in the crime, but this fact is not considered by the learned Sessions Judge and requested to allow the Application.

4. It is contention of the learned APP that the Applicant was involved in Matka business. He was giving less money to the deceased, on that ground, there was dispute between them. The Applicant hatched conspiracy with the co-accused and murdered the deceased. He further submitted that at *prima facie* stage, the Applicant cannot be discharged as sufficient material is produced on record to show his involvement in crime and requested to reject the Application.

5. I have heard both learned counsel. Perused impugned order, charge-sheet and documents produced on record.

6. The Applicant has been arrested on the statement of the co-accused except that there is no material produced on record to show the involvement of the Applicant in the crime. Name of the Applicant is not

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mentioned in FIR. His name is mentioned in Supplementary Statement after two days of FIR. It is alleged that the Applicant was one of the conspirators in the present crime but no CDR or statement of witnesses is produced on record to prove the allegations against the Applicant. If trial is proceeded against the Applicant, it would be an abuse of process of law and I pass following order.

**ORDER**

- (i) The Revision Application is allowed.
- (ii) The impugned order passed by the learned Additional Sessions Judge, Bhiwandi, Thane dated 13<sup>th</sup> September 2025 in Sessions Case No.155 of 2024 is quashed and set aside.
- (iii) The Applicant is discharged in Crime No.950 of 2024 from the offences punishable under Sections 109, 143, 147, 149, 302, 307 and 120(b) of the Indian Penal Code and Section 37(1) read with 135 of the Maharashtra Police Act.
- (iv) Application is allowed in the aforesaid terms.
- (v) All pending Applications are disposed of.

**(SHIVKUMAR DIGE, J.)**