

N.S.Kamble

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

CRIMINAL REVISION APPLICATION NO. 457 OF 2025

Prakash Narayan Mohite

... Applicant

Versus

State Of Maharashtra

... Respondents

**NILAM
SANTOSH
KAMBLE**

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by NILAM
SANTOSH
KAMBLE
Date: 2026.03.25
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 Mr.Anil A. Mane, for the Applicant.

 Ms.R.D. Humane, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 18th MARCH 2026

P.C. :

1. The challenge in this Application is to the order passed by the learned Additional Sessions Judge, Thane below Exhibit-27 whereby Discharge Application of the Applicant is rejected.

2. It is prosecution's case that on 1st September 2024, the Applicant and co-accused murdered the deceased, on the suspicion that he was a thief.

3. It is contention of the learned counsel for the Applicant that there is no evidence is produced on record to show his involvement of the Applicant in present crime. No witness has stated anything against the Applicant. The Applicant has been falsely implicated in this case, but this

N.S.Kamble

fact is not considered by the learned Trial Court. The learned counsel further submitted that in fact the information of the incident was given by the Applicant to the police, and requested to allow the Application.

4. It is contention of learned APP that the Applicant and co-accused brutally assaulted the deceased with wooden sticks and plastic pipe and murdered him. To save himself from the said offence, the Applicant falsely informed the police that the death of deceased was accidental. But in investigation, it was revealed that the Applicant and co-accused murdered the deceased. The learned Sessions Judge has passed well reasoned order. To prove the case against the Applicant, trial is required. There is eye witness to the incident, and requested to reject the Application.

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

6. The statement of eye witness Vansh Kandu shows that he had seen co-accused descending from staircase after the incident, but he has not stated about the Applicant's presence with co-accused. He has stated that on next day, he came to know that the Applicant was involved in the said crime. It appears that his statement is recorded after one month of the incident. After perusing the charge-sheet, there is no material produced on record to show involvement of the Applicant, but this fact is

N.S.Kamble

not considered by the learned Sessions Court.

7. In view of above, I pass following order.

ORDER

(i) The Applicant is discharged from the offenses punishable under Sections 103(1), 212 and 3(5) of the Bhartiya Nyaya Sanhita, 2023 in Connection with CR No.780 of 2024 registered with Chitalsar Manpada Police Station, Thane.

(ii) The Application is allowed and disposed of.

(SHIVKUMAR DIGE, J.)