

Shubhada S Kadam

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 516 OF 2025

Javed Alam Taufique Alam Baig Alias BisiApplicant

versus

The State of Maharashtra and anr.Respondents

Mr. Sohail Ahmed along with Mr. Ansari Modssir Siraj i/b. Mr. Rajendra Rathod, Advocate for Applicant.

Mr. Prashant P. Jadhav, APP for Respondent No.1-State.

Mr. Prashant Parab, Advocate for Respondent No.2.

Mr. Dhanwant Chavan, PSI, Nagpada Police Station, Thane, Mumbai, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 29th APRIL, 2026.

P.C. :

1. The challenge in this application is to the order passed below Exhibit-3 in Sessions Case No.56 of 2025 dated 9th October 2025 by learned Sessions Judge, Greater Mumbai, whereby the learned Sessions Court, has rejected the discharge application of the applicant.

2. It is prosecution's case that on 8 October 2024, around 9:30 am the co-accused murdered the deceased by stabbing him with scissors in his stomach. The applicant is a conspirator in the said assault.

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3. It is contention of learned counsel for the applicant that nothing is produced on record to show the involvement of the applicant in the crime. In the statement of the witness, it is mentioned that the deceased was troubling the applicant, and that on the say of the applicant, the co-accused committed the murder of the deceased. Except these statements, no material is produced on record to show the involvement of the applicant in the crime. However, this fact is not considered by the Trial Court. Hence, requested to allow the application.

4. It is contention of learned APP along with learned counsel for respondent No. 2 that the attack on the deceased was done at the instance of the applicant. The statement of the eyewitness, records that the co-accused told the deceased that he was troubling the applicant. The learned APP submitted that, to prove the innocence of the applicant, a trial is required. The learned Sessions Judge has passed a well-reasoned order, and no interference is required in it, and therefore requested to reject the application.

5. I have heard all the learned counsel, perused record, and the impugned order.

6. It appears from the record that the entire incident occurred in public view. There are witnesses to the incident. In the statement of

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witness- Ubed Manihar, he has stated that after assaulting the deceased, the co-accused told the deceased that he does not know who Javed Bisi (the applicant) was, but referred to him as the 'bhai' of the said area. The co-accused further stated that the applicant was telling him that the deceased was acting dramatically in recent days, and today, the day has come to kill him. Similar statement is given by the other witness. So, on the basis of these statements, the applicant has been arraigned as an accused in the present case.

7. In my view, the Call Detail Records (CDR) between the applicant and the accused was not produced on record to show that on the day of the incident, the applicant was in contact with the co-accused. Further, no statement of any witness has been produced on record to show that on the day of the incident, the applicant met the co-accused. Mere reference to the applicant's name by the co-accused at the time of the assault cannot, by itself, be a sufficient ground for implication. Moreover, from the statement of the co-accused, it does not appear that he assaulted the deceased at the instance of the applicant but these facts are not considered by the learned Sessions Judge. There is no sufficient material produced on record against the applicant. Considering these facts, I pass following order:

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ORDER

- (I) The application is allowed.
- (ii) The applicant is discharged from the Sessions Case No.56 of 2025 for the offences punishable under Sections 103(1), 109, 351(3), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 vide Crime No.908 of 2024.

The application stands disposed of in above terms.

(SHIVKUMAR DIGE, J.)